

EXHIBIT 1

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IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Page 1

The videoconference deposition of
SOKAS, called by the Plaintiff for
, taken pursuant to notice and pursuant to
Rules of Civil Procedure for the United
District Courts pertaining to the taking of
, taken before Christina J. Atto, Certified
Reporter and Notary Public, in Joliet,
commencing at 2:31 p.m. on the 25th day of
0., 2022.

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1 APPEARANCES:		1 THE COURT REPORTER: The deposition of Michael
2 LOEYVY & LOEYVY		2 Masokas is being conducted remotely via LegalView by
3 MS. MARIAH GARCIA (via videoconference)		3 agreement of the parties. Today's date is August 25th,
4 311 North Aberdeen Street		4 2022, and the time is 2:31 p.m.
5 Third Floor		5 The witness is located in Joliet, Illinois.
6 Chicago, Illinois 60607		6 My name is Christina Atto.
7 Phone: (312) 243-5900		7 At the conclusion of today's deposition, I
8 E-mail: mariah@loeyvy.com		8 will ask that counsel place their orders on the record.
9 On behalf of the Plaintiff;		9 Mr. Masokas, please raise your right hand.
10 RODERICK AND SOLANGE MACARTHUR JUSTICE CENTER		10 (Witness sworn.)
11 NORTHWESTERN UNIVERSITY SCHOOL OF LAW		11 THE COURT REPORTER: Thank you.
12 MR. LOCKE E. BOWMAN (via videoconference)		12 WHEREUPON:
13 375 East Chicago Avenue		13 MICHAEL MASOKAS,
14 Chicago, Illinois 60611		14 called as a witness herein, having been first duly
15 Phone: (312) 503-0844		15 sworn, was examined and testified as follows:
16 E-mail: l-bowman@law.northwestern.edu		16 DIRECT EXAMINATION
17 On behalf of the Plaintiff;		17 BY MS. GARCIA:
18 LEWIS BRISBOIS BISGAARD & SMITH LLP		18 Q. All right. Hello, Mr. Masokas.
19 MR. F. MICHAEL PASQUALINO (via videoconference)		19 A. Hello.
20 550 West Adams Street		20 Q. My name is Mariah and I'm an attorney for the
21 Suite 300		21 plaintiff, Bill Amor. And before we get started, can
22 Chicago, Illinois 60661		22 you please state your name and spell it for the record?
23 Phone: (312) 345-1718		23 A. Michael Mas- -- It's actually pronounced
24 E-mail: F.Pasqualino@lewisbrisbois.com		24 Masokas.
	Page 3	Page 5
1 I N D E X		1 Q. Masokas. I apologize.
2 WITNESS	PAGE	2 A. With a long O. Masokas, M A S O K A S .
3 MICHAEL MASOKAS		3 Q. Okay. And I know this question [sic] because
4 Direct Examination by Ms. Garcia	4	4 I was there at your last deposition, but have you ever
5 E X H I B I T S		5 been deposed before?
6 DEPOSITION EXHIBIT	PAGE	6 A. Yes.
7 Exhibit No. 1 (Polygraph Case History) ...	56	7 Q. And how many times have you been deposed would
8 Exhibit No. 2 (Medical Data Sheet)	68	8 you estimate?
9 Exhibit No. 3 (Pretest Interview)	75	9 A. One ... Two ... Maybe about half a dozen
10 Exhibit No. 4	76	10 times.
		11 Q. Okay. And was one of those depositions in the
11 (ALL EXHIBITS RETAINED BY MS. GARCIA)		12 Amor V. Cross matter which is 18 CV 2523?
12		13 A. In regards to the Cross/Naperville?
13		14 Q. Yes.
14		15 A. Yes.
15		16 Q. Okay. And do you have -- Actually, strike
16		17 that. I'll ask that later.
17		18 Since you know about depositions, you've done
18		19 one before, I'll just briefly lay out some rules.
19		20 Because we're over Zoom, it's really important for us to
20		21 let each other talk. So if you let me answer [sic] my
21		22 question, I will let you give a full answer just so long
22		23 as we don't talk over each other. Do you understand
23		24 that?
24		

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<p>1 A. Yes.</p> <p>2 Q. Okay. If there's a question I give that's not</p> <p>3 well crafted or you don't understand, please don't</p> <p>4 hesitate to clarify. I want to make sure I'm not asking</p> <p>5 you any gotcha questions. Okay?</p> <p>6 A. Yes.</p> <p>7 Q. Awesome. And if you need a break at any time,</p> <p>8 let me know and we can take a break as soon as I finish</p> <p>9 whatever that line of questioning is. Okay?</p> <p>10 A. Yes.</p> <p>11 Q. Great. And then one other question before we</p> <p>12 get into the substance of this, do you have any</p> <p>13 conditions that may affect your ability to provide</p> <p>14 truthful and accurate testimony today?</p> <p>15 A. No.</p> <p>16 Q. Okay. Do you have any conditions that affect</p> <p>17 your memory?</p> <p>18 A. No.</p> <p>19 Q. Okay. Are you currently taking any</p> <p>20 medications that may affect your ability to provide</p> <p>21 truthful and accurate testimony today?</p> <p>22 A. No.</p> <p>23 Q. Okay. Are you taking any medications that may</p> <p>24 affect your memory?</p>	<p>1 THE COURT REPORTER: You were muffled there in the</p> <p>2 beginning so I missed it.</p> <p>3 THE WITNESS: Oh, I'm sorry.</p> <p>4 BY THE WITNESS:</p> <p>5 A. Interviewing and interrogation.</p> <p>6 THE COURT REPORTER: Thank you.</p> <p>7 BY MS. GARCIA:</p> <p>8 Q. Okay. And how long have you been teaching</p> <p>9 that course?</p> <p>10 A. Full-time since 2005.</p> <p>11 Q. Okay. Did you prepare in -- Strike that.</p> <p>12 Did you do anything to prepare for this</p> <p>13 deposition?</p> <p>14 A. Yes.</p> <p>15 Q. Without going into any conversations you had</p> <p>16 with counsel, can you please tell me what you did to</p> <p>17 prepare for this deposition?</p> <p>18 A. Well, consult with counsel, but also I</p> <p>19 reviewed my prior deposition that I gave in the Cross</p> <p>20 case as well as review the file of William Amor.</p> <p>21 Q. Okay. And what documents specifically did you</p> <p>22 review from the file of Mr. Amor?</p> <p>23 A. His polygraph file which would have been all</p> <p>24 of the documentation from his polygraph examination.</p>
Page 7	Page 9
<p>1 A. No.</p> <p>2 Q. Okay. And, Mr. Masokas -- Am I pronouncing</p> <p>3 that right?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. Do you want me to call you Mr. Masokas</p> <p>6 or is Mike okay?</p> <p>7 A. Mike is fine. That's fine.</p> <p>8 Q. All right. Mike, are you currently employed?</p> <p>9 A. Yes.</p> <p>10 Q. And where are you employed?</p> <p>11 A. John Reid & Associates.</p> <p>12 Q. Okay. And what is your current role at John</p> <p>13 Reid & Associates?</p> <p>14 A. I am an instructor.</p> <p>15 Q. And what sort of -- Actually, strike that.</p> <p>16 Is there specific courses that you give</p> <p>17 instruction in through John Reid & Associates?</p> <p>18 A. Primarily interviewing (inaudible.)</p> <p>19 THE COURT REPORTER: I'm sorry. It muffled.</p> <p>20 BY MS. GARCIA:</p> <p>21 Q. You muted a little bit.</p> <p>22 THE COURT REPORTER: Yeah.</p> <p>23 BY THE WITNESS:</p> <p>24 A. I'm sorry. What was that?</p>	<p>1 Q. Okay. Anything else?</p> <p>2 A. No.</p> <p>3 Q. Okay. And you said that you reviewed your</p> <p>4 prior deposition in this -- in the Amor V. Cross matter</p> <p>5 with Naperville, correct?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. Did you review any other testimony</p> <p>8 you've given in connection with the Amor investigation?</p> <p>9 So that would be either in this case or in the Amor V.</p> <p>10 Cross case?</p> <p>11 A. No.</p> <p>12 Q. Okay. And when was the last time you reviewed</p> <p>13 your deposition testimony from the Amor V. Cross case?</p> <p>14 A. About four, five days ago.</p> <p>15 Q. Okay. And do you have any reason to believe</p> <p>16 that the deposition you gave in that case does not</p> <p>17 contain truthful and accurate testimony?</p> <p>18 A. No.</p> <p>19 Q. Okay. And if you were called upon to give</p> <p>20 testimony related to that deposition, would it be the</p> <p>21 same now as it was then?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. And other than counsel, have you</p> <p>24 discussed this deposition with anybody else?</p>

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1 A. Well, with my co-workers. Well, specifically,	1 BY MS. GARCIA:
2 Joe Buckley, my boss.	2 Q. Okay. You said that you -- Did you meet --
3 Q. Okay. And is it fair to assume that it was	3 Did you ever meet personally with counsel to prepare for
4 just telling him it was going to happen and a basic time	4 this deposition?
5 and place?	5 A. No.
6 A. Yes.	6 Q. Were your -- Was your preparation with counsel
7 Q. Okay. Did you discuss anything substantive	7 for this deposition over the phone?
8 about the deposition with him?	8 A. Yes.
9 A. Just in regards to the Amor case in general,	9 Q. And so then it would be fair to say you had
10 but nothing in regards to testimony.	10 about half a dozen phone calls with counsel to prepare
11 Q. When you say you talked to him about things	11 for this deposition?
12 generally in the Amor case, what does that mean?	12 A. I'd say that's fair.
13 A. We discussed what -- He was not part of the	13 Q. Okay. And when did that first phone call
14 case so we talked about when Mr. Amor was in our office,	14 occur?
15 what transpired when he was in the office, and	15 A. That, I don't know. I don't have a specific
16 everything in regards to Mr. Amor's time that he spent	16 memory as to when.
17 with us.	17 Q. Okay. Would it have been more than three
18 Q. Okay. And ... Sorry. Strike that.	18 months ago?
19 Prior to today's deposition, and again without	19 A. I would think so, yes.
20 getting into the substance of the conversation, how many	20 Q. Okay. More than six months ago?
21 times did you either telephonically meet with counsel or	21 MR. PASQUALINO: I'm just going to object to this
22 meet in person to prepare?	22 line of questioning on privilege, but ...
23 A. Well, I have a question.	23 BY THE WITNESS:
24 Q. Yes.	24 A. Your question was again?
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1 A. In regards to this specific deposition or also	1 Q. Did you -- The first conversation over the
2 considering the prior deposition? Because there were --	2 phone to prepare for this deposition, was it over six
3 Q. In regards -- Sorry. Go ahead.	3 months ago?
4 A. Because there was two separate depositions.	4 A. Probably. And, again, I don't want to
5 Q. And that's a good clarifying question. Thank	5 necessarily say prepare. It was -- Because -- This goes
6 you. With regards to this deposition?	6 way back to 2020 I think. The first deposition I think
7 A. Okay. This particular deposition?	7 was 2019; is that correct?
8 MR. PASQUALINO: Just hold on, Mike. For the	8 Q. Yes.
9 record, we weren't a part of the prior deposition.	9 A. And so we were not part of that case until
10 MS. GARCIA: Yeah.	10 early 2020 is when we were named in the case.
11 BY MS. GARCIA:	11 Q. Sure.
12 Q. Go ahead.	12 A. And so that's when just conversations would
13 A. So --	13 have occurred, but with whom, I couldn't be specific.
14 MR. PASQUALINO: Go ahead, Mike.	14 Q. Okay. When was -- Strike that.
15 BY THE WITNESS:	15 So other than reviewing the documents that you
16 A. Okay. So in regards to this deposition, I	16 listed and speaking with counsel approximately half a
17 don't know. Maybe half a dozen times.	17 dozen times, is there anything else you did to prepare
18 Q. Okay.	18 for this deposition?
19 A. I'm kind of guessing.	19 A. No.
20 Q. And when was the first time you met with	20 Q. Okay. And now turning back to your employment
21 counsel in preparation for this deposition?	21 at John Reid & Associates, when did you first begin
22 A. Well, we never met personally.	22 working at John Reid & Associates?
23 MR. PASQUALINO: I'll just object to form and	23 A. May 15th, 1983.
24 foundation.	24 Q. And have you worked at John Reid & Associates

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<p>1 from 1983 up until the present day?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. And can you give me a brief overview of</p> <p>4 the positions and roles you've held within John Reid &</p> <p>5 Associates since then?</p> <p>6 A. Sure. When I started with the company, I was</p> <p>7 hired on as a polygraph examiner. And then in</p> <p>8 approximately 1988/89, I started taking on more</p> <p>9 responsibility, overseeing the other polygraph</p> <p>10 examiners. So the title -- It was more of an informal</p> <p>11 title. It was chief examiner.</p> <p>12 Q. Okay.</p> <p>13 A. And then over time, over a few years, that</p> <p>14 title changed and the title changed to Director of</p> <p>15 Services. So it -- We -- At -- This was early '90s</p> <p>16 maybe.</p> <p>17 Q. Okay.</p> <p>18 A. And we had two divisions in the company:</p> <p>19 training and services. Services provided polygraph</p> <p>20 services, and so I was overseeing that part of the</p> <p>21 business. And I was basically in that role up until I</p> <p>22 want to say 2005.</p> <p>23 Q. Okay.</p> <p>24 A. Because in 2005, I transferred full-time into</p>	Page 14	<p>1 correct?</p> <p>2 A. Yes, ma'am.</p> <p>3 Q. What -- Or strike that.</p> <p>4 Where do you teach that class? Or what's the</p> <p>5 form in which that class is taught?</p> <p>6 A. I'm not sure I fully understand your question</p> <p>7 when you say form.</p> <p>8 Q. Sure. So you said that you had a school for</p> <p>9 pre-employment that closed down, correct?</p> <p>10 A. No. The school was a polygraph training</p> <p>11 school.</p> <p>12 Q. Okay.</p> <p>13 A. It was called -- The school was Reid College.</p> <p>14 It was a six-month program for training polygraph</p> <p>15 examiners and that was -- I think John Reid opened that</p> <p>16 school in the '60s and it would have closed in about</p> <p>17 1990. So that was specifically training polygraph</p> <p>18 examiners. That had --</p> <p>19 Q. Okay.</p> <p>20 A. That had nothing to do with interviewing and</p> <p>21 interrogation. That was a whole separate part of the</p> <p>22 business.</p> <p>23 Q. Okay. So I guess my question is: With the</p> <p>24 interview and interrogation course, is that -- that's</p>	Page 16
<p>1 training.</p> <p>2 Q. Okay. And why did you decide to make the</p> <p>3 transfer from services into training?</p> <p>4 A. Services started -- The business started</p> <p>5 slowing down, a law had changed to where polygraph was</p> <p>6 not being utilized as much and so we were doing more</p> <p>7 interviewing as opposed to polygraph. And the business</p> <p>8 just basically started slowing down and there was really</p> <p>9 nowhere to move from there as far as employment other</p> <p>10 than into training where there were more opportunities.</p> <p>11 Q. Okay. And when you say that business started</p> <p>12 to slow down because laws started to change, what laws</p> <p>13 are you referring to?</p> <p>14 A. Specifically on EPPA. It's the Employee</p> <p>15 Polygraph Protection Act which I think took effect in</p> <p>16 1989, January 1st of 1989. And once that law passed,</p> <p>17 businesses were no longer able to utilize pre-employment</p> <p>18 polygraph testing which was a large part of our</p> <p>19 business. And it also impacted training. We had a</p> <p>20 polygraph school. And because of that law prohibiting</p> <p>21 pre-employment testing, our school closed.</p> <p>22 Q. Okay. And I just wanted to expand on your</p> <p>23 role as an instructor currently. I believe you said</p> <p>24 it's an interviewing and interrogation instructor,</p>	Page 15	<p>1 through John Reid & Associates?</p> <p>2 A. Yes. It's a seminar. It's a three- to</p> <p>3 five-day seminar -- or -- Yeah, three- to four-day</p> <p>4 seminar.</p> <p>5 Q. And is that strictly held in the John Reid &</p> <p>6 Associates' offices in Chicago or is it all across the</p> <p>7 country?</p> <p>8 A. It's international.</p> <p>9 Q. International. Okay. Do you travel a lot for</p> <p>10 these seminars or have they kind of transitioned into</p> <p>11 remote similar to what we're doing now?</p> <p>12 A. No. It's primarily travel. It's in person.</p> <p>13 Q. And is there a specific type of student or a</p> <p>14 person who engages in these seminars? For example, like</p> <p>15 primarily police officers or is there a good mix?</p> <p>16 A. It's a mix. Police officers. We get</p> <p>17 investigators from different companies, but, you know,</p> <p>18 private sector: United Airlines, General Electric, you</p> <p>19 know, various corporations that would have the security</p> <p>20 department or an investigations department. So we see</p> <p>21 people from all walks of life.</p> <p>22 Q. Okay. And is there any specific curriculum</p> <p>23 you use when teaching the seminar?</p> <p>24 A. Well, it's our manual, our training manual</p>	Page 17

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<p>1 that John Reid & Associates developed.</p> <p>2 Q. Okay. And The John Reid & Associates manual,</p> <p>3 is that something that's updated frequently?</p> <p>4 A. Yes. Yes. Whenever -- They print X amount of</p> <p>5 number of outlines, training manual outlines. And when</p> <p>6 the number starts to deplete where they need to be</p> <p>7 reprinted, there may be updates and changes at that time</p> <p>8 before they reprint it. So it really all depends how</p> <p>9 quickly we go through the books. I mean, it could be</p> <p>10 once a year. It could be twice a year.</p> <p>11 Q. And have you ever participated in reforming or</p> <p>12 making changes to the manual?</p> <p>13 A. Well, everybody does. All instructors have</p> <p>14 input. And so if an instructor feels that something</p> <p>15 needs to be changed, added, or just a format of the</p> <p>16 layout changed, they'll offer suggestions. And then if</p> <p>17 the suggestions are accepted by pretty much the Board of</p> <p>18 Directors is what it is, they make the decisions then if</p> <p>19 changes are implemented.</p> <p>20 Q. Okay. And are you on the Board of Directors?</p> <p>21 A. I am not.</p> <p>22 Q. Okay. And shifting away from Reid &</p> <p>23 Associates briefly, do you have any secondary education?</p> <p>24 A. Secondary as a college?</p>	<p>Page 18</p> <p>1 A. -- there was a time a few years back that I</p> <p>2 was almost ready to leave Reid & Associates and become</p> <p>3 an associate pastor of a church full-time, but there was</p> <p>4 certain changes that occurred, things happened, and it</p> <p>5 just didn't work out and so I decided to stay with John</p> <p>6 Reid.</p> <p>7 Q. And you said a full-time pastor at the church.</p> <p>8 Had you been a part-time pastor previously?</p> <p>9 A. No. I was there. I was working full-time</p> <p>10 with John Reid and then I was considered part-time with</p> <p>11 a church as -- And it wasn't necessarily associate</p> <p>12 pastor at that time. The title was ministry director.</p> <p>13 Q. Okay.</p> <p>14 A. And so there was consideration for bringing me</p> <p>15 on as associate pastor.</p> <p>16 Q. And what year if you can recall were you</p> <p>17 considering switching from Reid & Associates to becoming</p> <p>18 an associate pastor?</p> <p>19 A. It would have been around 2000- -- maybe '08</p> <p>20 through 2011.</p> <p>21 Q. And was one of your considerations for</p> <p>22 potentially moving because you were not satisfied with</p> <p>23 your job at John Reid & Associates?</p> <p>24 A. No. No. John Reid & Associates was fine. I</p>
<p>1 Q. Yes.</p> <p>2 A. Through a second, I do.</p> <p>3 Q. And what college or graduate level degrees do</p> <p>4 you have?</p> <p>5 A. Well, I graduated from St. Xavier College in</p> <p>6 Chicago with a bachelor's degree in criminal justice.</p> <p>7 Back when Reid College, the polygraph school, was</p> <p>8 opened --</p> <p>9 Q. Uh-huh.</p> <p>10 A. -- they were accredited by the State of</p> <p>11 Illinois to grant master's degrees specifically in the</p> <p>12 area of detection of deception and so I did receive a</p> <p>13 master's degree through John Reid College in the field</p> <p>14 of detection of deception. I also have a master's</p> <p>15 degree from Moody Theological Seminary.</p> <p>16 Q. And at the theological seminary, was there a</p> <p>17 specific degree you got?</p> <p>18 A. Yes. It's in spiritual formation and</p> <p>19 discipleship.</p> <p>20 Q. And I'm really just interested in this, but</p> <p>21 why did you decide to get a degree in spiritual</p> <p>22 formation and discipleship?</p> <p>23 A. Well --</p> <p>24 Q. It's a very interesting title.</p>	<p>Page 19</p> <p>1 just felt I was being called in a different direction.</p> <p>2 Q. Understandable. Do you recall what year you</p> <p>3 got your degree from the theological seminary?</p> <p>4 A. Yeah. It was the longest degree in history</p> <p>5 because I was trying to do it working full-time.</p> <p>6 Q. Uh-huh.</p> <p>7 A. And so I started the program I want to say in</p> <p>8 2006 and completed -- actually completed it in 2017.</p> <p>9 Q. Does it matter how long it takes? It just</p> <p>10 matters that you got it done.</p> <p>11 A. That's exactly -- That's what my wife tells</p> <p>12 me.</p> <p>13 Q. Sounds like a smart lady.</p> <p>14 A. Oh, my gosh.</p> <p>15 Q. What year did you graduate from St. Xavier?</p> <p>16 A. 1981.</p> <p>17 Q. Okay. And when did you get your master's at</p> <p>18 Reid College?</p> <p>19 A. That was approximately 2005/2006.</p> <p>20 Q. How long was the process of obtaining your</p> <p>21 master's from Reid College?</p> <p>22 A. It was not necessarily classes. It was</p> <p>23 research. You had to do a research project and then</p> <p>24 write a paper and have that published through some sort</p>

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<p>Page 22</p> <p>1 of polygraph journal or something of that nature.</p> <p>2 Q. So when did you start your research project</p> <p>3 for Reid College?</p> <p>4 A. Gosh, I couldn't be specific. Again, I would</p> <p>5 say maybe it was around -- Did I say -- What was the</p> <p>6 year I said? 2000?</p> <p>7 Q. 2005/2006.</p> <p>8 A. That's completely wrong. That's completely</p> <p>9 wrong. It would have been 1985/'86. It was still when</p> <p>10 the Reid College, the polygraph school, was open. So</p> <p>11 research would have started maybe in early -- I'm</p> <p>12 guessing in 1985. It was probably about a year, a year</p> <p>13 and a half of doing the research.</p> <p>14 Q. Okay. What was the process for applying to</p> <p>15 Reid College?</p> <p>16 A. Well, there was an application and then an</p> <p>17 interview, a polygraph test. They had -- Back then,</p> <p>18 they also did paper and pencil honesty tests. I don't</p> <p>19 know if you're familiar with those.</p> <p>20 Q. (Shaking head.)</p> <p>21 A. I don't think they do those anymore. And then</p> <p>22 if everything goes well -- A background check, a</p> <p>23 thorough background check. And if everything goes well,</p> <p>24 then you're accepted into the school and -- Now,</p>	<p>Page 24</p> <p>1 because I was accepted and I started Reid College, the</p> <p>2 polygraph school, in August of 1981.</p> <p>3 Q. Okay. And that was about six months you said?</p> <p>4 A. Yes. I completed it in February of 1982.</p> <p>5 Q. Okay. And then your master's was a few years</p> <p>6 later?</p> <p>7 A. That was a few years later, correct.</p> <p>8 Q. Okay. And what was the process for starting a</p> <p>9 master's through Reid College?</p> <p>10 A. Well, you just -- At the time, the director of</p> <p>11 the school, the polygraph school, was a gentleman named</p> <p>12 Brian Jayne and you would approach the director,</p> <p>13 Mr. Jayne, tell him that you are considering getting a</p> <p>14 master's. He would say, well, what topics are you</p> <p>15 interested in, you know, developing here? And then it</p> <p>16 was just from there. He would say, well, that's</p> <p>17 acceptable, that's not acceptable, and then you start</p> <p>18 and reason.</p> <p>19 Q. And when you went to -- Sorry. Do you mind</p> <p>20 giving me his name again?</p> <p>21 A. Brian.</p> <p>22 Q. Brian?</p> <p>23 A. Jayne, J A Y N E.</p> <p>24 Q. Jayne. N E? Got it. I was hearing James</p>
<p>Page 23</p> <p>1 you're -- Let me back it up, make sure I have the right</p> <p>2 question. Are you asking to get into John Reid, the</p> <p>3 polygraph school, or ... Well, yeah. That's what your</p> <p>4 question was, right? I'm getting confused.</p> <p>5 Q. Is there -- Did you attend Reid College for</p> <p>6 polygraph and for a master's in detection of deception?</p> <p>7 A. Two separate things. To get accepted into the</p> <p>8 polygraph school initially, it was what I had just</p> <p>9 explained: fill out the application, the interview,</p> <p>10 polygraph, paper and pencil test. And if all goes well,</p> <p>11 then you're accepted into the school which is six</p> <p>12 months.</p> <p>13 And then the other aspect that you were asking</p> <p>14 about, the master's, that came later on. That was a few</p> <p>15 years later.</p> <p>16 Q. So if I'm getting this -- my timeline</p> <p>17 correctly, you would have applied for the polygraph</p> <p>18 school in around 1985?</p> <p>19 A. No.</p> <p>20 Q. When did you apply for the polygraph school?</p> <p>21 A. I graduated from St. Xavier in 1981.</p> <p>22 Q. Uh-huh.</p> <p>23 A. And it would have been right after graduation</p> <p>24 or possibly even right before graduation I applied</p>	<p>Page 25</p> <p>1 with an M.</p> <p>2 A. No.</p> <p>3 Q. So when you went to Mr. Jayne, did you already</p> <p>4 have the topic of detection of deception on your mind as</p> <p>5 a research topic?</p> <p>6 A. You know, I don't specifically recall. I know</p> <p>7 we did have a discussion as to some ideas and then</p> <p>8 ultimately decided upon one. So I can't say I had a</p> <p>9 specific topic when I walked in his office, but we had</p> <p>10 talked about it and then eventually agreed on one.</p> <p>11 Q. Okay. And what interested you about the topic</p> <p>12 of detection of deception?</p> <p>13 A. Well, originally when I went to school -- I</p> <p>14 was born and raised in Chicago.</p> <p>15 Q. Uh-huh.</p> <p>16 A. And I was hoping to get on with the Chicago</p> <p>17 Police Department. I was dating a girl back in high</p> <p>18 school. Her father was a police officer and I knew a</p> <p>19 couple of other officers so I had this goal of getting</p> <p>20 on with the police department. So right out of college</p> <p>21 I took the test, the exam, and we were told at the time</p> <p>22 of the exam that it may be a couple years before we even</p> <p>23 get a call. And so here I am just graduating college</p> <p>24 without a job and couldn't sit around so I heard about</p>

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<p style="text-align: right;">Page 26</p> <p>1 Reid College, the polygraph school, and I thought, well, 2 if I were to go to the polygraph school, pass -- 3 hopefully pass, get a license ... Because in order to 4 run polygraph in the State of Illinois, you need the 5 license through the State so I thought that that might 6 be a benefit to me down the road when I apply for jobs, 7 just something to put on my resume. So I applied and 8 was accepted.</p> <p>9 Q. Okay. And circling back, I had asked you why 10 you were interested in the topic of detection of 11 deception. Was that interest -- Did that interest stem 12 from your initial interest in doing police work?</p> <p>13 A. Primarily, yeah, because honestly I knew 14 nothing about polygraph. It was new to me. I really 15 didn't know much about it. It kind of piqued my 16 interest and so I thought, well, this could be a feather 17 in my cap as far as my resume goes. Something other 18 people don't have.</p> <p>19 Q. Okay. And your initial application with the 20 Chicago Police Department, did you ever get a response 21 from the department itself?</p> <p>22 A. No. I must have bombed it.</p> <p>23 Q. Did you apply again after that first time?</p> <p>24 A. No, I did not.</p>	<p style="text-align: right;">Page 28</p> <p>1 driving record because we were able to pull their 2 driving record through the State to determine if they 3 were telling the truth or not.</p> <p>4 Q. And --</p> <p>5 A. Does that make sense?</p> <p>6 Q. Yes, it makes perfect sense.</p> <p>7 And did you find that there was validity to 8 the pre-employment polygraph testing at least within 9 that realm?</p> <p>10 A. I think -- Yeah, I don't remember specifically 11 the exact outcome, but I know that it was more in the 12 favor of the polygraph as opposed to, you know, the 13 other way.</p> <p>14 Q. And did -- That paper was eventually 15 published, correct?</p> <p>16 A. It was -- I think it was in a polygraph 17 journal.</p> <p>18 Q. Okay. Do you recall the name of that journal?</p> <p>19 A. I have no idea to be honest.</p> <p>20 Q. That's fine.</p> <p>21 A. This goes back to 1986.</p> <p>22 Q. Of course. Of course.</p> <p>23 Okay. I just wanted to ask a couple of 24 background questions. Apologies if these are intrusive,</p>
<p style="text-align: right;">Page 27</p> <p>1 Q. And so earlier I believe you mentioned that 2 you did research for about a year and a half for your 3 master's degree, correct?</p> <p>4 A. Uh-huh. Yes.</p> <p>5 Q. And in order to get a master's, you had to 6 write a paper, correct?</p> <p>7 A. Yes, ma'am.</p> <p>8 Q. What was the topic of your paper?</p> <p>9 A. It was the validity of pre-employment 10 polygraph testing. No. The -- Or the accuracy and the 11 validity of pre-employment polygraph testing.</p> <p>12 Q. I'm not familiar about too much, but what was 13 your thesis of this paper?</p> <p>14 A. Well, what we had decided to do is because we 15 were doing a lot of pre-employment testing for 16 companies, specifically trucking companies, and so we 17 began asking a specific polygraph question on the exam 18 about -- and I can't be specific, but it had to do with 19 moving violations. So the truck drivers applying for a 20 driving job at a company, they used our services, our 21 polygraph services. And so one of the test questions 22 was, you know, regarding moving violations in the last 23 twelve months. And then what we were able to do is we 24 were able to compare what they told us with their actual</p>	<p style="text-align: right;">Page 29</p> <p>1 but have you ever been fired or suspended from a job for 2 any reason?</p> <p>3 A. No.</p> <p>4 Q. Have you ever been officially disciplined at a 5 job?</p> <p>6 A. No.</p> <p>7 Q. Have you ever been unofficially disciplined at 8 a job?</p> <p>9 A. I like that question, but no.</p> <p>10 Q. Have you ever been disciplined by or asked to 11 leave any institution of higher learning?</p> <p>12 A. No.</p> <p>13 Q. And have you ever been convicted of a felony?</p> <p>14 A. No.</p> <p>15 Q. Okay. And I just wanted to turn back now to 16 the polygraph school specifically.</p> <p>17 A. (Nodding.)</p> <p>18 Q. And that was approximately six months you 19 said. What topics were covered within the polygraph 20 school?</p> <p>21 A. There were several. Psychology, pharmacology, 22 question formulation, (inaudible) interpretation.</p> <p>23 THE COURT REPORTER: I'm sorry? What was that?</p> <p>24</p>

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<p>1 BY THE WITNESS:</p> <p>2 A. Chart, C H A R T. Chart interpretation, legal</p> <p>3 aspects, and I think there was a section on the law.</p> <p>4 Q. And at the end of -- Oh, sorry. Strike that.</p> <p>5 When you were getting the -- At the polygraph</p> <p>6 school, those took place in a classroom setting,</p> <p>7 correct?</p> <p>8 A. Yes.</p> <p>9 Q. And approximately how many people were in your</p> <p>10 class?</p> <p>11 A. We started off with six and then after a week</p> <p>12 or two, one dropped out so we finished with five.</p> <p>13 Q. And of the five, did anybody else end up</p> <p>14 working at John Reid & Associates?</p> <p>15 A. No.</p> <p>16 Q. Do you recall who your instructors were at the</p> <p>17 polygraph college?</p> <p>18 A. No. I don't -- I can't -- When I went</p> <p>19 through, the only person I can give you was the person</p> <p>20 who was the head of the school at that time. His name</p> <p>21 was Dan Malloy, M A L L O Y.</p> <p>22 Q. Great. And so you eventually started working</p> <p>23 at John Reid & Associates in 1983. So after you</p> <p>24 graduated from the polygraph school in 1982 until you</p>	<p>Page 30</p> <p>1 got my license.</p> <p>2 Q. And when did you take the test?</p> <p>3 A. Well, it would have been I want to say at the</p> <p>4 end -- no -- maybe beginning of March 1982. It was</p> <p>5 right after the polygraph -- right after I graduated the</p> <p>6 polygraph school.</p> <p>7 Q. And what topics were tested on the exam?</p> <p>8 A. Everything we just talked about:</p> <p>9 psychology ... everything that was taught at Reid</p> <p>10 College, there were questions on all of that as well as</p> <p>11 chart, chart interpretation where you had to evaluate</p> <p>12 some polygraph charts.</p> <p>13 Q. Okay. With the polygraph, when you pass a</p> <p>14 test, you get a polygraph license, correct?</p> <p>15 A. Yes.</p> <p>16 Q. And how -- What do you need to do in order to</p> <p>17 keep that license current, if anything?</p> <p>18 A. Well, stay up on any research that comes out</p> <p>19 basically. There was no peer review or anything</p> <p>20 regarding the license.</p> <p>21 Q. Okay.</p> <p>22 A. It's like once you were licensed, you pay your</p> <p>23 dues annually and they -- or however it was -- I think</p> <p>24 it was -- I can't remember how long it was before the</p>
<p>1 started in 1983, what were you doing professionally?</p> <p>2 A. I was working -- Well, I actually had two</p> <p>3 jobs. I was working part-time with a gentleman in</p> <p>4 Hinsdale, Illinois who had a polygraph company and I was</p> <p>5 working part-time for him during the day. The company</p> <p>6 name was F, F like Fred, L like Larry, Hunter,</p> <p>7 H U N T E R. And so I did that part-time during the</p> <p>8 day. And then at night, I worked part-time for UPS.</p> <p>9 Q. And when did you decide to apply for John Reid</p> <p>10 & Associates?</p> <p>11 A. Well, I worked for Hunter for about one year</p> <p>12 and then I had heard that there was a full-time opening,</p> <p>13 full-time position with Reid & Associates and I don't</p> <p>14 know if I applied or called. I can't remember how it</p> <p>15 transpired, but ultimately wound up going back there</p> <p>16 full-time.</p> <p>17 Q. And after you graduated -- Or strike that.</p> <p>18 Was there any sort of testing or certification</p> <p>19 necessary to become a polygraph examiner in Illinois?</p> <p>20 A. Yes. The State of Illinois -- Back then, it</p> <p>21 was called the Department of Professional Regulation. I</p> <p>22 don't know what it's called today, but you had to take</p> <p>23 an exam that they offered in order to receive a license.</p> <p>24 And so I did, I took the test, I fortunately passed, and</p>	<p>Page 31</p> <p>1 license expired. Maybe four, five years and then you</p> <p>2 would just pay the fee and you're good for another four</p> <p>3 years.</p> <p>4 Q. Okay. And so is there any sort of continuing</p> <p>5 education you have to do in order to maintain your</p> <p>6 license?</p> <p>7 A. Nothing that's mandatory. It's mostly by</p> <p>8 choice as far as attending various training seminars or</p> <p>9 training programs. So it was really by choice, not</p> <p>10 anything mandatory to renew the license.</p> <p>11 Q. Okay. And what has been your practice in</p> <p>12 terms of attending seminars and in engaging in any</p> <p>13 continuing education in this field?</p> <p>14 A. Well, we had -- We were part of a couple of</p> <p>15 associations, members. For instance, there was the</p> <p>16 Illinois Polygraph Society. We were members -- I was</p> <p>17 specifically a member of the Illinois Polygraph Society.</p> <p>18 They would hold -- Every year they would hold a couple</p> <p>19 of training programs, like a two-day seminar, things</p> <p>20 like that, but we were also members of the American</p> <p>21 Polygraph Association and they have an annual conference</p> <p>22 along with other training programs that they would offer</p> <p>23 throughout the year. And so if possible, if available,</p> <p>24 time permitting, we would attend those.</p>

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<p>1 Q. And this is probably a difficult question to 2 answer, but if you could ballpark, how many polygraphs 3 would you estimate you've taken over the years?</p> <p>4 A. A lot. Considering both pre-employment 5 polygraph tests as well as specific-issue polygraph 6 tests such as stealing or something like that, all 7 together, again, I'm guessing here, but probably around 8 9-, 10-, 11,000 because I worked from 1983 to nearly 9 2005.</p> <p>10 Q. And as your role as an instructor currently, 11 do you ever take polygraph tests?</p> <p>12 A. No.</p> <p>13 Q. Okay. And if -- Are there any more categories 14 just broadly within polygraph testing other than the 15 pre-employment test or an issue-specific test? Are 16 there like more categories that I should be aware of?</p> <p>17 A. Sort of because there -- Back in the '90s, 18 there was this wave of polygraphs kind of sweeping over 19 the country. It started on the West Coast and moved 20 east and it was for -- I don't know how to phrase it -- 21 sexual offenders.</p> <p>22 Q. Okay.</p> <p>23 A. And there was a program that started out I 24 think it was in Utah where probation departments, county</p>	<p>1 Q. Sure. So let's say you -- Actually, that's a 2 good question. What would you say the beginning of a 3 polygraph test is?</p> <p>4 A. The very, very beginning is where we need 5 their permission to take the test. They have to 6 voluntarily consent to take the test. If they're not 7 voluntarily consenting, if they're saying that they're 8 being forced, then we do not give the test, and that 9 applies for all polygraph tests. And so that would be 10 the very first step as we have them read and sign a 11 consent form.</p> <p>12 Q. And then assuming that they read and sign the 13 consent form, what is the next step?</p> <p>14 A. After that, we'd have them fill out a very 15 short medical form, just want to make sure that they're 16 healthy. You know, there's no physical problems. And 17 then after that, depending on what type of test it is, 18 we would go through an interview. If it's a 19 pre-employment test, then obviously those questions are 20 going to be different than say, for example, if it's a 21 burglary obviously. So we go through the interview. 22 Once the pre- -- We call it a pretest interview because 23 it's before the actual polygraph.</p> <p>24 Q. Uh-huh.</p>
<p>Page 35</p> <p>1 probation departments specifically for sexual offenders 2 started working with polygraph examiners to where -- 3 when they would release an offender, every six months 4 they would have that offender take a polygraph test to 5 determine whether the offender re-offended during that 6 period of time. It was part of the probation process. 7 And so that -- at -- that program moved across the 8 country east and it finally came to Illinois. And so we 9 were involved in doing they call them monitoring tests.</p> <p>10 Q. Okay. So would it be fair to say that -- And 11 I'm not trying to create like specific-specific 12 categories, but broadly within polygraph testing that 13 you've done, it was pre-employment testing, monitoring 14 testing, and issue-specific testing?</p> <p>15 A. That's -- It's fair to say. Sure.</p> <p>16 Q. Okay. And would you say that there was a -- 17 using those same broad categories -- one category you 18 did more of than the others or were they split pretty 19 evenly?</p> <p>20 A. Pre-employment was probably most.</p> <p>21 Q. Okay. And then again just talking generally, 22 what are the steps of polygraphing somebody?</p> <p>23 A. Now when you say "steps," could you be more 24 specific?</p>	<p>Page 37</p> <p>1 A. And then once the interview is complete, we 2 formulate the test questions that will be on the test. 3 Once the questions have been formulated, we review the 4 questions with the subject before any test is given so 5 they know exactly every single question that they're 6 going to be asked on the test.</p> <p>7 Q. Okay.</p> <p>8 A. And then once the questions are reviewed, 9 they're attached to the polygraph. We would run the 10 actual test and then it's done.</p> <p>11 Q. Okay. And I will come back to what happens 12 after the test is over.</p> <p>13 A. Sure.</p> <p>14 Q. But I just wanted to go back through the 15 steps. So the first step is voluntary consent, correct?</p> <p>16 A. Yes.</p> <p>17 Q. And why is it important to receive voluntary 18 consent prior to a polygraph examination?</p> <p>19 A. Because they have to want to take the test. 20 If they don't want to take the test, that's their right. 21 And if -- And we're not going to force them to take the 22 test. So they've got to be agreeable and say okay. 23 Yeah, I'm willing to do this.</p> <p>24 Q. And do you feel that having the test subject</p>

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<p>1 read the voluntary consent form and then signing it 2 indicates that they are willing to take the test and 3 they want to do it?</p> <p>4 A. Well, not -- There's more to it than just 5 reading and signing. We also ask them verbally, and we 6 tell them that they're free to leave if they don't want 7 to be here. You have a right -- There's actually a part 8 on the document, a statement that says I understand that 9 I'm free to leave at any time. And then we have them 10 initial off on that after we explain to them that 11 they're free to go, that they don't have to be here. So 12 it's not just the reading and the signing. We usually 13 will get verbal confirmation as well.</p> <p>14 Q. And have you ever had an experience where 15 someone has had that conversation with you and has 16 decided to leave the polygraph examination?</p> <p>17 A. Yes. Yeah. I can't be specific and say on 18 this particular date this happened, but I know in 20 -- 19 you know, almost 25 years of writing polygraph, I know 20 that's happened where we've had people say, okay, I'm 21 done. I don't want to proceed and they left.</p> <p>22 Q. Okay. And after a polygraph test is 23 completed, what is the next step?</p> <p>24 A. If we evaluate the test results as being</p>	<p>Page 38</p> <p>1 to relax, take it easy, and then come back when they're 2 refreshed.</p> <p>3 Q. And speaking of inconclusive, what are the 4 different results that a polygraph test can have? Is it 5 only truthful, deceptive, or inconclusive or is there 6 something I'm missing?</p> <p>7 A. There's a few others. There's truthful, 8 deceptive, inconclusive, there's unresponsive which 9 means we're not getting any response at all on any of 10 the questions, and there's also another result called 11 purposeful non-cooperation. And that last one is where 12 the subject is deliberately doing things on the 13 polygraph test to throw it off.</p> <p>14 Q. And what are some examples of that that you've 15 experienced?</p> <p>16 A. One of the things is they'll change their 17 breathing on a question. For instance, if I -- if I 18 were giving you a polygraph test, one of the questions 19 would be: Do they call you Mariah? Did I pronounce 20 that right?</p> <p>21 Q. You did.</p> <p>22 A. Okay. So -- So -- And you would say obviously 23 yes. And so you know that's a truthful answer. Well, 24 if I asked you the next question, you know, did you</p>
<p>1 truthful, we would thank them for their time and send 2 them on their way. If we evaluate the test as being 3 deceptive, then what we would do is we would conduct a 4 post-test interview in which we afford them an 5 opportunity to offer a reason or explanation as to why 6 they may not be passing the test.</p> <p>7 Q. And then is it within your practice or the 8 practice of Reid & Associates to conduct a second 9 polygraph test if there's indications of deception?</p> <p>10 A. Not at that time, no.</p> <p>11 Q. At what time?</p> <p>12 A. It would be days later. We would say at least 13 24 -- at least a minimum of 24 hours later.</p> <p>14 Q. And why would you say at least? What's the 15 importance of waiting that 24 hours?</p> <p>16 A. Because if afterwards somebody were talking 17 about, for instance, a specific test question and now we 18 have this discussion on why they're not passing and then 19 they offer an explanation, if we were to immediately 20 give them the test after that because their emotions are 21 so, for lack of a better term, hyped up, there's a good 22 chance that the test would simply be inconclusive. And 23 so we want to give them time to -- They just went 24 through this polygraph test. We want to give them time</p>	<p>Page 39</p> <p>1 steal my pen and you stole my pen and you're going to 2 lie about that, well, sometimes people would change 3 their breathing on that first question to make it look 4 different. Does that make sense?</p> <p>5 Q. That makes a lot of sense. Other than 6 changing your breathing, are there other ways you've 7 experienced people engaging in purposeful 8 non-cooperation?</p> <p>9 A. Yeah. Another thing they'll do is they'll 10 flex the muscle in their arm which then distorts the 11 blood pressure recording. So on certain questions 12 they'll flex their muscle and then the pen kind of goes 13 really funny to -- and because in their mind, they think 14 they're making it look different.</p> <p>15 Q. Uh-huh.</p> <p>16 A. And they don't want us to get a valid reading. 17 So breathing or sometimes they'll wiggle around in the 18 chair. They won't sit still or other times they'll 19 talk. They'll start talking in between questions. 20 (Enter Mr. Bowman via videoconference.)</p> <p>21 BY THE WITNESS:</p> <p>22 A. So that's the different types of -- some of 23 the different types of distortions that we'll see.</p> <p>24 Q. Do those distortions show up within the</p>

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<p style="text-align: right;">Page 42</p> <p>1 polygraph readout itself or is it something that you 2 would observe and then utilize when you're evaluating 3 the polygraph data?</p> <p>4 A. Is -- I'm sorry. I didn't catch the full 5 question.</p> <p>6 Q. Yeah. You said there's like these different 7 indicators of purposeful non-cooperation. Would those 8 be something that you could see in the polygraph 9 readout, in the data, or is that something that you 10 would observe as you're giving a polygraph and then use 11 that as an analysis of the raw data itself?</p> <p>12 A. No. I most -- In most of those instances, you 13 can actually see it as the test is being given. It's 14 very obvious. It's right there on the tracing in most 15 situations.</p> <p>16 Q. And then I understand the other categories of 17 response: inconclusive, deceptive, truthful. What 18 would an unresponsive -- What would cause an 19 unresponsive result?</p> <p>20 A. Someone who had a lack of sleep. Maybe they 21 were up for two days and just exhausted. Someone who 22 may be overly medicated. It's just -- It's like they're 23 asleep during the test. They're just -- Just their 24 breathing is the same. Blood pressure is the same.</p>	<p style="text-align: right;">Page 44</p> <p>1 A. We -- We'll look at -- We're looking at the 2 polygraph charts and then we go one question at a time. 3 So, for instance, on Question Number 3, we'll look at 4 the respiration and then determine if there's any type 5 of physiological response. And then if there is a 6 physiological response, we'll basically interpret that 7 either as deception or -- Well, let's say I'm going to 8 use these terms generically: deceptive, very deceptive, 9 or extremely deceptive. And I'm just using -- kind of 10 using those as an example. And so with visual 11 inspection, the way we were taught through Reid College 12 is we use a little checkmark. The darker the check, the 13 more significant the response. So a light check, 14 deceptive response. A little bit of a darker check, 15 very deceptive response. Or like a really heavy dark 16 check, like we could say extremely deceptive response or 17 more significant. Does that make sense?</p> <p>18 Q. Yeah. And are you only checking for 19 indicators of deception or are there also indications of 20 truthfulness within the data?</p> <p>21 A. The truthfulness report comes at the end.</p> <p>22 Q. Okay.</p> <p>23 A. So at the end when we evaluate the entire test 24 and then we're looking at these various checkmarks,</p>
<p style="text-align: right;">Page 43</p> <p>1 There's no type of physiological response at all on any 2 of the questions.</p> <p>3 Q. And what -- How would you define physiological 4 response within the realm of polygraphing?</p> <p>5 A. Well, changes in respiration, a change from 6 the normal, changes in blood pressure, a galvanic skin 7 response, the little electrodes on the fingers. And so 8 it's a change from their normal. So we see a normal 9 breathing pattern and all of a sudden we ask a question 10 and it could be a suppression in breathing, the blood 11 pressure starts to go up and things of that sort.</p> <p>12 Q. Okay. When you are -- Okay. So after the 13 polygraph itself is given, once everything is hooked up 14 to the machine, you review the data, correct?</p> <p>15 A. Yes.</p> <p>16 Q. And do you -- Is it your practice or the 17 practice at John Reid & Associates to review the data 18 as -- individual or with the team?</p> <p>19 A. Individually. We do it individually.</p> <p>20 Q. And when you're analyzing the data, is there a 21 specific method you use in order to score it?</p> <p>22 A. We use -- It was called -- It's called visual 23 inspection.</p> <p>24 Q. And what is the visual inspection method?</p>	<p style="text-align: right;">Page 45</p> <p>1 there's two questions that we haven't discussed on the 2 polygraph called control questions, and those control 3 questions are also evaluated. And with a truthful 4 result, the control questions will show more deception 5 than the relevant questions. "Relevant" meaning did you 6 start the fire? Does that make sense? So --</p> <p>7 Q. Yeah. Is that because the control questions 8 are, you know, super -- not anywhere near truthful and 9 so they would --</p> <p>10 A. Right.</p> <p>11 Q. -- compare it to a truthful statement, have a 12 stronger indication of deception?</p> <p>13 A. Correct.</p> <p>14 Q. Okay. And have you ever -- In marking the 15 checks down in variations of light to heavy, is there 16 ever an issue with interpreting the results either at 17 the time you're doing so or as you're reviewing later on 18 if you do review later on?</p> <p>19 A. I'm not sure I follow the question. When you 20 say --</p> <p>21 Q. Sure. I will just -- I'll say for myself as 22 badly of giving -- I may -- you know, I would worry 23 personally, you know, that I would have a light check -- me to have a light check but have a heavy checkmark on</p>

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<p style="text-align: right;">Page 46</p> <p>1 the sheet that I'm scoring on. Have you ever had a 2 similar issue?</p> <p>3 A. No. No.</p> <p>4 MR. PASQUALINO: I'll just object to the form.</p> <p>5 BY THE WITNESS:</p> <p>6 A. No, because once you do it a few times, you 7 know, you get used to what you're doing and so -- No, 8 not any issues like -- of that nature.</p> <p>9 Q. Okay. And was the checkmark method one that 10 you were using when you polygraphed Mr. Amor in 1995?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. In 1995, were there other types of 13 scoring techniques that were utilized?</p> <p>14 A. There was a new form of scoring that was 15 coming out. There was no industry standard, so to 16 speak, at the time. There's been -- There were new 17 types of scoring being developed using numbers.</p> <p>18 Q. So numerical scoring?</p> <p>19 A. Numerical scoring, but there were different 20 schools of numerical scoring and they weren't agreeing 21 on the right approach for numerical scoring, so it was 22 still -- They were still developing that particular 23 scoring technique. And so as far as I know, it was just 24 the numerical -- the different aspects of numerical</p>	<p style="text-align: right;">Page 48</p> <p>1 A. No. I don't think I could answer that 2 question. I'm ...</p> <p>3 Q. Okay. Put another way. Based on your 4 knowledge, is there a reason why if someone would prefer 5 a checkmark technique over a numerical technique?</p> <p>6 A. It's just because that's how we were trained.</p> <p>7 Q. Okay. And does the -- Can the different types 8 of methodology in your experience in -- Sorry. Strike 9 that. That was a bad question.</p> <p>10 Do you have any reason to believe that one 11 methodology is more reliable than another?</p> <p>12 A. No.</p> <p>13 Q. Do you have any knowledge of literature that 14 might speak to this?</p> <p>15 A. I don't. Like I said, I've been out of the 16 field for several years so I could not tell you one way 17 or the other. I'm sure there might be something out 18 there, but I don't know.</p> <p>19 Q. Sure. And that dovetails into my next 20 question. So, you know, you're currently an instructor 21 in interviewing and interrogation. Does polygraph and 22 polygraph techniques, is that something that's included 23 in your courses on interviewing and interrogation?</p> <p>24 A. No.</p>
<p style="text-align: right;">Page 47</p> <p>1 scoring that were starting to come out.</p> <p>2 Q. And was there a method -- Were you trained on 3 anything besides the checkmark method?</p> <p>4 A. Not specifically trained, no. We were aware 5 of numerical scoring and we understood how it worked, 6 but, again, it wasn't to the point where there was any 7 industry standard as to which one is more accurate. 8 Not -- No, accurate is not even the right word. There 9 was no agreement on which one to go with at the time.</p> <p>10 Q. Is there an agreement now on what the 11 preferred method is?</p> <p>12 A. I believe -- I don't know if there's industry 13 agreements, so to speak, but I do believe a lot of 14 examiners do use the numerical. Now, I'm not sure what 15 aspect of the numerical scoring, but I do believe that 16 quite a few examiners are using numerical scoring today. 17 I haven't done a polygraph since 2004 so I've been out 18 of the field for a while so I couldn't give you 19 specifics.</p> <p>20 Q. That's completely fine.</p> <p>21 Based on your knowledge of numerical scoring 22 and your training on the checkmark technique, do you 23 have any understanding of what the pros and cons were 24 for each of these techniques?</p>	<p style="text-align: right;">Page 49</p> <p>1 Q. Okay. And what would you classify an 2 interrogation as versus an interview?</p> <p>3 A. An interview should be completely 4 non-accusatory. An interview is where we're asking 5 questions. It's more of a dialogue, question and 6 answer. An interview can be basically conducted at 7 different types of environments whereas an 8 interrogation, I would say it's really going to be 9 probably more on the accusatory side. The purpose of an 10 interview is to develop information. The purpose of the 11 interrogation is to determine the truth. I think an 12 interrogation probably need a little bit more of a 13 controlled environment as opposed to just doing it 14 anywhere. And I think those are the big differences.</p> <p>15 Q. Okay. And in your experience as someone who's 16 done a multitude of polygraph examinations and is now an 17 instructor in interviewing and interrogation, do you 18 believe that a polygraph examination can be part of the 19 process of interviewing somebody?</p> <p>20 A. Yes.</p> <p>21 Q. In what ways have you experienced polygraphing 22 as a form of interview?</p> <p>23 A. Well, it's not necessarily a form of interview 24 I wouldn't say. It's part -- It can be part of the</p>

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<p>1 interview process. Another aspect of the interview 2 process where we did polygraph testing, the -- we would 3 always conduct a pretest interview before the test. So 4 the test was just one segment of the process, you know. 5 So the interview and then the polygraph. You can 6 always --</p> <p>7 Q. Okay.</p> <p>8 A. You can always interview somebody without a 9 polygraph, you know, so --</p> <p>10 Q. Very true.</p> <p>11 A. -- it's just one bit -- It would just be one 12 part of the procedure.</p> <p>13 Q. So it would be fair to say that a polygraph 14 can be used as a process of interviewing a subject?</p> <p>15 A. Sure.</p> <p>16 Q. And --</p> <p>17 A. Part of the procedure, part of the process.</p> <p>18 Q. Okay. And similarly, would it also be fair to 19 say that a polygraph examination could be part of the 20 procedure of interrogating a subject?</p> <p>21 A. It can be part of the process, yes. If 22 polygraph was initially conducted, yes. So, you know, I 23 guess, yeah, it would be part of the procedure.</p> <p>24 Q. And turning back to the course you've been</p>	<p>1 some specifics as far as interview environment, 2 conducting an interview in someone's home as opposed to 3 at your own office and different locations.</p> <p>4 In the afternoon, we would get into behavior 5 symptom analysis which is basically assessing the 6 subject's verbal behavior, their nonverbal behavior.</p> <p>7 And then the following morning is we would 8 conclude that section on behavior symptom analysis. And 9 then in the afternoon on the second day, we would 10 specifically talk about the interview process and then 11 the third day would be interrogation.</p> <p>12 Q. Okay. Great. And within the seminar, do you 13 ever discuss what is colloquially termed the Reid 14 Technique?</p> <p>15 A. What is what?</p> <p>16 Q. Colloquially termed the Reid Technique.</p> <p>17 A. The entire seminar is the Reid Technique.</p> <p>18 Q. And you're teaching off of the Reid manual so 19 I suppose that's fair.</p> <p>20 A. Yeah.</p> <p>21 MS. GARCIA: I don't know if you want to take a 22 quick break because I'm going to go into the specifics 23 of the interviewing of Mr. Amor. Do you mind if we have 24 time to take a quick bathroom break?</p>
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<p>1 teaching, what are the subjects that you cover in your 2 interviewing and interrogation course?</p> <p>3 A. When you say "subjects," I mean it's 4 interviewing and then it's interrogation.</p> <p>5 Q. Sure. But --</p> <p>6 A. Can you be more specific?</p> <p>7 Q. Yeah, more specific. And you can go, you 8 know, interview and then interrogation or interrogation 9 or interviewing, whatever is easiest for you to explain.</p> <p>10 A. When you say what are the courses, I mean, I'm 11 not sure I understand because it's -- part of it is 12 interviewing, part of it is interrogation. Is there 13 anything specific in regards to those things?</p> <p>14 Q. Yeah. So if I was going to take a seminar 15 with you and I walk in on the first day, what would the 16 topics that we covered look like?</p> <p>17 A. The first morning we're probably -- Well, not 18 probably. What we're talking about is laying the 19 foundation for conducting a proper interview such as 20 interview environment, interview work characteristics, 21 basic interview characteristics, and then we would talk 22 about a little bit the difference between an interview 23 and an interrogation, just kind of laying the foundation 24 as to what these things are and then we would get into</p>	<p>1 MR. PASQUALINO: Yeah. Let's take, what, until 2 3:50, or ...</p> <p>3 MS. GARCIA: 3:50 is perfect.</p> <p>4 MR. PASQUALINO: All right.</p> <p>5 THE WITNESS: 3:50?</p> <p>6 MS. GARCIA: Yep.</p> <p>7 THE WITNESS: Okay. We'll see you then.</p> <p>8 MS. GARCIA: Thanks.</p> <p>9 THE WITNESS: Thank you.</p> <p>10 (A short break was had.)</p> <p>11 BY MS. GARCIA:</p> <p>12 Q. All right. Mike, do you have an independent 13 recollection of taking Mr. Amor's polygraph on 14 October 3rd, 1995?</p> <p>15 A. Some. Not everything. I recall some things, 16 but other things are more vague.</p> <p>17 Q. Okay. And do you recall how you initially 18 learned that the Naperville Police Department were 19 interested in having Reid & Associates polygraph 20 Mr. Amor?</p> <p>21 A. That, I don't. All I remember is somehow they 22 were on our schedule. How they wound up on the 23 schedule, I don't know.</p> <p>24 Q. And do you recall what the process was for</p>

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<p style="text-align: right;">Page 54</p> <p>1 scheduling a polygraph at Reid & Associates at that 2 time?</p> <p>3 A. Someone from their agency would have contacted 4 our office and more than likely the receptionist would 5 have passed that call back to someone. Whoever was 6 available would have spoken with the representative from 7 the department. And then based on their request, we 8 were able to either fulfill their request or have to 9 schedule them at some other point. So somehow, some way 10 they talked to somebody and wound up -- it wound up 11 getting put on the schedule for that particular day.</p> <p>12 Q. And if something was put on the schedule, was 13 it specifically assigned to an employee or was it 14 whoever was available at that time?</p> <p>15 A. Both. It could have been both. If -- For 16 instance, if I took a call and spoke to an investigator 17 from a particular agency or company, he provided -- he 18 or she provided some background and wanted an 19 appointment, then we put it on the schedule on a day 20 that I was available or it could have been a situation 21 where if they wanted it sooner, it could have been 22 assigned to somebody else. So there -- It goes both -- 23 It would have went both ways.</p> <p>24 Q. Okay. And in the instance of Mr. Amor's</p>	<p style="text-align: right;">Page 56</p> <p>1 A. It would have been both detectives. Once they 2 arrived, we were informed -- I was informed that they 3 had gotten there by the receptionist and then the first 4 thing we did was take the two detectives to a side 5 office and Mr. Amor then sat out in our lobby while I 6 spoke with the detectives. And at that point they were 7 able to provide all of the information -- the 8 investigative information for the polygraph.</p> <p>9 Q. What information do you recall being told by 10 the officers about the investigation?</p> <p>11 A. Well, if you have my file, it's written down 12 on my fact sheets.</p> <p>13 Q. Sure. Let me see -- pull up ... I'm going to 14 share my screen really quickly. I'm sharing what is 15 Bates SDT Reid 21 through SDT Reid 15 -- Actually, 16 strike that.</p> <p>17 Let's just look at from Bates SDT Reid 21 18 through SDT Reid 22 which says Polygraph Case History at 19 the top.</p> <p>20 A. Sure.</p> <p>21 Q. Do you see that?</p> <p>22 A. Yes.</p> <p>23 Q. And would this -- Does this sheet contain the 24 information that you were told by the two detectives</p>
<p style="text-align: right;">Page 55</p> <p>1 polygraph, do you recall who told you that it was 2 scheduled for that afternoon and evening?</p> <p>3 A. I don't. I don't.</p> <p>4 Q. And do you recall around what time Mr. Amor 5 and the two Naperville detectives, Cross and Guerreri, 6 arrived at Reid & Associates?</p> <p>7 A. It was approximately 3:50 p.m.</p> <p>8 Q. And when they arrived, was there anybody else 9 in the office besides you, Mr. Amor, and the two 10 detectives?</p> <p>11 A. Yes.</p> <p>12 Q. Who was in the office?</p> <p>13 A. Well, the receptionist would have been still 14 at their desk. I believe there were two up front at the 15 time. Mr. Newey, Art Newey, was another employee who 16 was there that day. Probably Lou Sagan who worked for 17 the other -- the training department at the time. His 18 office was there. It was -- This is in '95. There was 19 a woman working for us in accounting, Marion. I think 20 she would have still been there at the time. So there 21 were several people still in the office when they 22 arrived.</p> <p>23 Q. Okay. And when they arrived, who did you talk 24 to first?</p>	<p style="text-align: right;">Page 57</p> <p>1 from Naperville when they came in for Mr. Amor's 2 polygraph examination?</p> <p>3 A. Yes. They -- As they provided the 4 information -- They were just talking. I was writing, 5 trying to keep up with them as they spoke, just kind of 6 jotting down some of the things that they were saying. 7 So the notes here are my notes with the poor 8 handwriting. And, again, just trying to keep up as they 9 were speaking.</p> <p>10 Q. And I'll give you a second to read, but would 11 you summarize what your writing says starting with where 12 I think I'm -- I don't know if I'm highlighting this on 13 here.</p> <p>14 A. Yeah, I got it. I see it.</p> <p>15 Q. Great.</p> <p>16 A. Yeah. So they said there was a 17 hundred-thousand-dollar life insurance policy on 18 Subject 2 who's Marianne at the top there. They just -- 19 These are not in any particular order. These were the 20 names they gave me first. Who's to be tested is number 21 one, Mr. William Amor, and then they said Marianne 22 Miceli was the victim in this case, and Tina Miceli was 23 the daughter of Subject 2. This is supposed to say 24 Subject 2. So one-hundred-thousand-dollar life</p>

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<p>1 insurance policy on Subject 2 who's Miss Marianne 2 Miceli. Subject 2 is the victim. Cause of death: 3 Smoke inhalation. On September 10th, '95, there was a 4 fire in Subject 2's apartment. Subject 2 calls the fire 5 department at 6:40 p.m., says she can't exit the 6 apartment because of chairs blocking the doors and both 7 burning. What does that -- I can't make that out. Oh, 8 one at, it looks like, the exit and one in the middle of 9 the living room.</p> <p>10 Q. Great. That was very helpful. It looks like 11 there may be more notes coming down?</p> <p>12 A. Yep. Yep. On the -- This is on the back 13 page. Subject 2 -- And, again, they're talking, I'm 14 writing so any verbiage here is I'm just writing what 15 I'm hearing.</p> <p>16 Q. Of course.</p> <p>17 A. Subject 2 mentally retarded. Subject 1 18 initially romantically involved with Subject 2 [sic], 19 then Subject 1 became involved with Subject 3. Now, 20 here's where I made an error. I got the numbers mixed 21 up. It says Subject 2 and Subject 3 said they left the 22 apartment at 6:25 to 6:30. This should be Subject 1 and 23 Subject 3. Subject 2 is the victim so I just -- I 24 accidentally got the numbers mixed up from the previous</p>	Page 58	<p>1 Q. Would that be the notes I just shared? 2 A. No. No. It's a different -- I don't know if 3 your screen shows colors, but it's kind of a yellow 4 sheet, legal-size. It's got writing down the left 5 margin.</p> <p>6 Q. I think we can move on. 30 to 40 minutes -- 7 A. Approximately.</p> <p>8 Q. -- is a good approximation I think. 9 All right. And then after you spoke with the 10 detectives, what happened next?</p> <p>11 A. At that point they would have been escorted 12 back out to our lobby at which time then Mr. Amor was 13 escorted back into one of our interview rooms. And so 14 it would have been myself and Mr. Amor that went back to 15 the interview room. Once we got into the interview 16 room, he was read his Miranda Rights which he waived. 17 He signed off on that document and then he was presented 18 with the release of information form which is also the 19 consent form. And he read the form, he signed the form. 20 We talked about him being free to leave. He's not in 21 custody. He actually initialed the consent form at the 22 bottom stating that he understood he knew he was free to 23 leave. And then I asked him if he was in custody? He 24 said no. I said, Sir -- And so I confirmed, you know</p>	Page 60	
<p>1 page. Does that make sense?</p> <p>2 Q. Yes.</p> <p>3 A. And then further on down -- Again, the number 4 is mixed up. It should be Subject 1 I believe, Mr. Amor 5 denies any knowledge of the insurance policy. Friends 6 of Subject 1 and Subject 3 claim that Subject 1 and 7 Subject 3 spoke openly about the policy in their 8 presence. And then further on down after a number of 9 interviews, Subject 1 says that he spilled vodka and 10 maybe left a burning cigarette in an ashtray that may 11 have fallen out of the ashtray.</p> <p>12 And then at the bottom, Subject 1 has a 13 history of scamming families out of money. Just prior 14 to this, Subject 1 spent six months in a lockup for 15 forgery. And so that was all the information they 16 provided at that time.</p> <p>17 Q. Great. Thank you for taking me through that.</p> <p>18 A. Sure.</p> <p>19 Q. Approximately how long would you say, if you 20 recall, you spent speaking with the Naperville 21 detectives regarding this background information?</p> <p>22 A. It was -- Well, if you have my notes there, 23 it's on my notes. Off the top of my head, I'm going to 24 say maybe 30 to 40 minutes, but I have it written down.</p>	<p>1 you're not in custody? Correct. I said you know you're 2 free to leave? Yes. So why don't you then write that 3 down in your own writing in front of that consent form. 4 And that's when he wrote -- At the bottom I think he 5 wrote something to the effect of I understand I'm not in 6 custody and then he initialed off on that as well. 7 Once he was done with that, he filled out a 8 medical sheet, a short medical form that took him a 9 couple of minutes and then we discussed that for a short 10 period of time and then we would have started the 11 pretest interview.</p> <p>12 Q. And I know you testified that the consent form 13 was a standard form you would have folks fill out. Was 14 the Miranda Rights form a standard form you would have 15 folks fill out prior to a polygraph exam?</p> <p>16 A. Only if it was a criminal case where law 17 enforcement was involved.</p> <p>18 Q. Great. And so Mr. Amor got brought in 19 around -- or you took him back to be polygraphed around 20 4:30, 4:35? Would that be fair to say? 21 (Enter Mr. Bowman via videoconference.)</p> <p>22 BY THE WITNESS:</p> <p>23 A. I'm sorry. Could you repeat that again, the 24 times?</p>	<p>1 you're not in custody? Correct. I said you know you're 2 free to leave? Yes. 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<p>1 Q. Sure. I can ask it a better way. What time 2 did you take Mr. Amor back to be polygraphed?</p> <p>3 A. It was approximately I want to say around 4 4:40. Maybe -- You know what? Maybe a little bit even 5 before that because if I recall my notes, the actual 6 pretest interview started at 4:40 so it would have 7 probably been around 4:35.</p> <p>8 Q. Okay. And the room that you were in when you 9 first interrogated -- first were delivering the 10 polygraph examination to Mr. Amor, did it have any 11 windows?</p> <p>12 A. No.</p> <p>13 Q. Okay.</p> <p>14 A. Well, I take that back. No. Well, I don't 15 remember. Some of our rooms -- I'm trying to remember. 16 Some of our rooms had a mirror, a -- like an observation 17 room, but I don't think that one did. I'm almost 18 positive that was not a room that had the observation. 19 So I would say, no, it did not.</p> <p>20 Q. If there was a room with a mirrored 21 observation room, how would a party or someone get into 22 that mirrored observation room?</p> <p>23 A. Well, it's hard to say because our office 24 configuration changed so many times over the years.</p>	<p>1 room?</p> <p>2 A. Staff.</p> <p>3 Q. Only staff?</p> <p>4 A. Only staff.</p> <p>5 Q. It would be inappropriate for anybody other 6 than John Reid & Associates' employees to be in an 7 observation room?</p> <p>8 A. Correct, unless there were students. But the 9 polygraph school had been closed by that point and so it 10 would have only been staff.</p> <p>11 Q. And would that room be accessible to someone 12 who was not staff? Put another way: Was it locked? 13 Was -- Did you need to have an access code?</p> <p>14 A. No. No, but it was not accessible to the 15 lobby.</p> <p>16 Q. Okay.</p> <p>17 A. You had to be in the office to get to those 18 rooms.</p> <p>19 Q. All right. And so going back to the pretest 20 interview, can you walk me through the steps, what you 21 recall of the first pretest -- Sorry. Strike that.</p> <p>22 At 4:40 you had the pretest interview. What 23 was the process of the interview with Mr. Amor?</p> <p>24 A. We just went through a bunch of questions. I</p>
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<p>1 Sometimes it was part of a closet. We would have to go 2 in through a closet door. Other times it was just 3 strictly an observation room where they had two -- one 4 of the rooms had two doors. You can enter in from a 5 hallway or from our lunchroom, so it varied. The rooms 6 varied and -- especially over the years when our office 7 configuration changed.</p> <p>8 THE COURT REPORTER: I'm sorry. Is that 9 Mr. Bowman? Can he mute by chance? The feedback.</p> <p>10 THE WITNESS: Is that me?</p> <p>11 THE COURT REPORTER: No.</p> <p>12 MS. GARCIA: No. That was Locke, the other 13 counsel. I think it's muted now.</p> <p>14 BY MS. GARCIA:</p> <p>15 Q. Okay. So in order to -- When there's a 16 mirrored window, you have the meeting room that would -- 17 essentially where either the interrogation or interview 18 was taking place, correct?</p> <p>19 A. Yes.</p> <p>20 Q. And then there would be an observation room 21 for that on the other --</p> <p>22 A. Sometimes, yes.</p> <p>23 Q. And in the instances where there was an 24 observation room, who was allowed into the observation</p>	<p>1 asked him a number of questions about the fire, about 2 what transpired the day -- September 10th I think the 3 date was of the fire. And so it was just question and 4 answer. It was more conversational. I'd ask a 5 question, he'd answer the question and that went from 6 about 4:40 till about 5:20.</p> <p>7 Q. Is a half an hour or so typical of a pretest 8 interview in your practice?</p> <p>9 A. Well, this was a little bit longer. This was 10 about 40 minutes. It can go -- Depending on what the 11 issue is, it can go 45 minutes to 60. Sometimes more, 12 sometimes less depending, again, what the issue is.</p> <p>13 Q. Okay. And during -- What is the purpose a 14 pretest interview?</p> <p>15 A. He want to give them an opportunity -- Well, 16 first of all, we want to give them an opportunity to 17 explain or answer questions about the incident in 18 question. We want to make some observations as far as 19 their state of mind, you know, if they're suitable for a 20 polygraph, and we just want to -- just maybe establish a 21 little bit of rapport so that they feel comfortable.</p> <p>22 Q. And is the pretest interview indicative of 23 whether an individual will pass or fail a polygraph?</p> <p>24 A. No.</p>

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<p>1 Q. And why do you say no?</p> <p>2 A. Because we're not assessing anything in the</p> <p>3 interview to determine whether they're going to pass or</p> <p>4 fail a polygraph. The polygraph is the polygraph and so</p> <p>5 those are the results that we're going to evaluate.</p> <p>6 Q. Okay. And so after you and Mr. Amor went</p> <p>7 over -- had the pretest interview, what happened next?</p> <p>8 A. At that time I stepped out of the room. I</p> <p>9 explained to him that I'll be formulating the questions,</p> <p>10 the test questions that we'll have on the polygraph. I</p> <p>11 stepped out maybe around 5:20, came back into the room</p> <p>12 about 5:25, 5- -- Well, 5- -- No. 5:35, 5:40 I want to</p> <p>13 say, and the first thing that we would have done is</p> <p>14 review the questions with him that were going to be on</p> <p>15 the polygraph so that way he knew the questions ahead of</p> <p>16 time.</p> <p>17 Q. And did you formulate questions individually</p> <p>18 or was Mr. Newey brought on to help --</p> <p>19 A. That, I don't remember. I can't be specific</p> <p>20 right now as to -- if he was part of the conversation or</p> <p>21 not. Standard practice over the years, we primarily</p> <p>22 developed them on our own based on the information that</p> <p>23 was provided to us from the investigators, so I -- He</p> <p>24 may have. We may have had some discussion about some of</p>	<p>1 truthfulness on, then it might be split into two.</p> <p>2 Q. Okay. So it has more to do with the issues</p> <p>3 that are being presented to be tested and less to do</p> <p>4 with the quantity of questions within an issue-specific</p> <p>5 polygraph?</p> <p>6 A. Correct.</p> <p>7 Q. Okay.</p> <p>8 A. Correct. That's -- That's -- I would agree</p> <p>9 with that.</p> <p>10 Q. Great. So you come in around 5:30 you said?</p> <p>11 A. 5:35.</p> <p>12 Q. 5:35?</p> <p>13 A. You know, roughly.</p> <p>14 Q. And you review the questions with Mr. Amor?</p> <p>15 A. Yes.</p> <p>16 Q. And actually before we go into that, Mr. Amor</p> <p>17 filled out a medical sheet as well, correct?</p> <p>18 A. He did.</p> <p>19 Q. Was that before or after the pretest</p> <p>20 interview?</p> <p>21 A. Before.</p> <p>22 Q. Okay. And I'll pull that up. Just give me</p> <p>23 one moment. All right. And let's mark this as</p> <p>24 Exhibit 2. It's the medical data sheet and the Bates</p>
<p>1 the questions. I don't know. So I can't be specific on</p> <p>2 that.</p> <p>3 Q. Okay. And what is the process through which</p> <p>4 you formulate questions after a pretest interview?</p> <p>5 A. It was pretty straightforward. I mean, in</p> <p>6 regards to -- Depending on the issue, if it's a theft</p> <p>7 issue, for instance, example \$5,000, you know, the</p> <p>8 questions are: Did you steal the \$5,000? Were you</p> <p>9 involved in stealing the \$5,000? Do you know who stole</p> <p>10 the \$5,000? So the relevant test questions are pretty</p> <p>11 straightforward. It's pretty much all dependent on what</p> <p>12 the issue is.</p> <p>13 Q. Okay. And is there -- Let's say you have a</p> <p>14 very long list of questions you need to ask. Would</p> <p>15 there be a specific amount that you would cut off your</p> <p>16 questioning at maybe to split into two different</p> <p>17 sessions or would you just formulate anything relevant</p> <p>18 based on the information you received?</p> <p>19 A. Well, it's going to be dependent on, again,</p> <p>20 what the issue is and what they're trying to determine,</p> <p>21 but issue-specific polygraphs like this, more often than</p> <p>22 not -- Well, I shouldn't -- More often than not, they're</p> <p>23 usually a one-to-one test, but, again, if there's a lot</p> <p>24 of different issues that they're looking to determine</p>	<p>1 is -- Oh, my goodness. The Bates is -- I guess there</p> <p>2 isn't a Bates number on this one. Is this the medical</p> <p>3 data sheet, Mr. Masokas, that Mr. Amor filled out on</p> <p>4 his -- in his polygraph examination on October 3rd,</p> <p>5 1995?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And is there any part of this form</p> <p>8 that -- this -- Strike that.</p> <p>9 Is there part of this data sheet that you</p> <p>10 filled out or was it all filled out by Mr. Amor?</p> <p>11 A. No. I have some handwritten notes there in</p> <p>12 the middle of the page letter C where it says</p> <p>13 respiratory or lung problem? He checked yes. And then</p> <p>14 I asked him about that. He said he had surgery for some</p> <p>15 spots on his lungs back in the mid '80s, but he's no</p> <p>16 longer under a doctor's care for that.</p> <p>17 Q. Great. And other than that handwriting, is</p> <p>18 there anything else on this data sheet that you filled</p> <p>19 out?</p> <p>20 A. No.</p> <p>21 Q. Okay. And can --</p> <p>22 A. No. That's all his.</p> <p>23 Q. Great. And can you remind me the importance</p> <p>24 of having an examinee fill out a medical data sheet</p>

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<p>1 prior to a polygraph?</p> <p>2 A. What -- I'm sorry. What was your question?</p> <p>3 Q. Can you remind me of the importance of having</p> <p>4 an examinee fill out a medical data sheet prior to a</p> <p>5 polygraph examination?</p> <p>6 A. Sure. We want to make sure that they're</p> <p>7 suitable for a polygraph test. So, for example, if</p> <p>8 someone's got heart problems and they recently had a</p> <p>9 heart attack, we may not proceed with the test unless we</p> <p>10 have a doctor's note. If someone's got high blood</p> <p>11 pressure, we'd like to know that because we'd like to</p> <p>12 know if they're on medication. We recommend -- If</p> <p>13 somebody does have high blood pressure, we recommend</p> <p>14 that they take their medication, that they don't stop</p> <p>15 taking it, and so that would be important. Yeah, we</p> <p>16 just want to make sure that they're suitable for a test,</p> <p>17 that there's no significant health problems.</p> <p>18 Q. And how would -- Taking the heart problem as</p> <p>19 an example, why would you need a doctor's note prior --</p> <p>20 or would you prefer a doctor's note prior to taking a</p> <p>21 polygraph examination of someone with a heart problem?</p> <p>22 A. Well, if they recently had a heart attack, we</p> <p>23 don't want them to have a heart attack in our office.</p> <p>24 Q. That's fair.</p>	<p>1 A. Yes.</p> <p>2 Q. Okay. And I can pull it up if you need. I</p> <p>3 believe on the medical data sheet, Mr. Amor answered</p> <p>4 that in the last 24 hours he had only had four hours of</p> <p>5 sleep. Do you recall that?</p> <p>6 A. Yes.</p> <p>7 Q. Did that concern you when you were taking this</p> <p>8 polygraph?</p> <p>9 A. A little bit. A little bit, but not greatly</p> <p>10 simply because at the time we were speaking, he was very</p> <p>11 alert. He was obviously awake. He was responding to</p> <p>12 questions. He was fluent. He was -- He did not appear</p> <p>13 as though he was tired. His voice was clear.</p> <p>14 Q. What are indications in your experience that</p> <p>15 someone is too tired to take a polygraph examination?</p> <p>16 A. Sometimes, yes.</p> <p>17 Q. So what would that look like in your</p> <p>18 experience?</p> <p>19 A. Where they can barely keep their eyes open.</p> <p>20 They would continue to ask for questions to be repeated.</p> <p>21 They're not very alert and they just appear as if</p> <p>22 they're tired and people who worked a 24-hour shift and</p> <p>23 then they come in for a polygraph and they just start</p> <p>24 practically falling asleep in the chair.</p>
<p>1 A. I understand it is a bit of a stressful thing,</p> <p>2 you know, having to take a polygraph so we want to make</p> <p>3 sure they're healthy.</p> <p>4 Q. Is it important to try and keep a polygraph</p> <p>5 examinee calm and not stressed?</p> <p>6 A. Well, no one is going to be not stressed.</p> <p>7 Truthful people are going to be stressed because it's</p> <p>8 not something you do every day so we expect that and we</p> <p>9 actually anticipate that. We know people are going to</p> <p>10 be nervous. We know there's going to be anxiety so it's</p> <p>11 not something that's -- You know, no one is going to be</p> <p>12 void of any nervousness or anxiety.</p> <p>13 Q. And forgive my ignorance and all things</p> <p>14 polygraph, but within the physiological and galvanic</p> <p>15 responses in a polygraph, does stress and anxiety show</p> <p>16 up within the readings themselves?</p> <p>17 A. Not necessarily normal stress and anxiety. I</p> <p>18 mean, their blood pressure may be elevated slightly, but</p> <p>19 it doesn't discriminate between questions. It's across</p> <p>20 the board.</p> <p>21 Q. So you're basically trying to find the</p> <p>22 baseline with the understanding or the theory being that</p> <p>23 that would include the kind of normal stress someone</p> <p>24 would be under in taking a polygraph examination?</p>	<p>1 Q. And other than lack of sleep, heart problems,</p> <p>2 and high blood pressure, are there any other areas that</p> <p>3 you would be concerned about someone displaying prior to</p> <p>4 a polygraph examination?</p> <p>5 A. I'm not sure I follow your question. Can you</p> <p>6 rephrase it?</p> <p>7 Q. Sure. So you said you would be concerned if</p> <p>8 someone was exhausted, correct?</p> <p>9 A. Yes.</p> <p>10 Q. Would you also be concerned if someone were</p> <p>11 intoxicated?</p> <p>12 A. Yes. If they were intoxicated at the time?</p> <p>13 Q. Yes.</p> <p>14 A. Of the exam?</p> <p>15 Q. Yes.</p> <p>16 A. Yes.</p> <p>17 Q. And when you were trained on polygraph</p> <p>18 examinations, was there a module or aspect that --</p> <p>19 Sorry. Strike that.</p> <p>20 When you were trained on polygraph</p> <p>21 examinations, what types of behavior were you taught to</p> <p>22 be on the lookout for in terms of behavior that could</p> <p>23 undermine the reliability of polygraph examinations?</p> <p>24 A. Well, things we just talked about.</p>

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<p>1 Q. So lack of sleep?</p> <p>2 A. I guess some slurring of the speech, bloodshot 3 eyes, smell of alcohol or some form of maybe cannabis, 4 inability to comprehend questions. You know, those 5 types of things.</p> <p>6 Q. If someone hadn't eaten for a significant 7 amount of time, would that be a concern prior to a 8 polygraph examination?</p> <p>9 A. Maybe a little bit. It wouldn't be a 10 significant concern unless they -- unless they said they 11 can't proceed. You know, look, I'm so hungry, I can't 12 go on. But aside from that, if -- it wouldn't be that 13 major of a concern.</p> <p>14 Q. Okay. And did Mr. Amor ever indicate to you 15 that he was hungry while you were polygraphing him the 16 first time?</p> <p>17 A. Not that I can recall, no.</p> <p>18 Q. Okay. And did Mr. Amor indicate to you that 19 he was tired?</p> <p>20 A. I don't believe so. If he would have, we 21 would have talked about it. But, again, as I said, he 22 was alert, he was answering questions. So if he said he 23 was tired, we may have talked about it, but it did not 24 appear to me he was falling asleep. That's why we</p>	Page 74	<p>1 him what the attachments measure. If he's got questions 2 about anything, we're able to answer those for him at 3 that time. Once he's attached to the polygraph 4 instrument, we -- the tests begins. And so the very 5 first thing we would do is run a test chart to make sure 6 everything is functioning properly. It lasts about 7 30 seconds. We inflate the blood pressure cuff, that 8 way he gets used to how that's going to feel. And, 9 again, it's about 30 seconds. Once that's done, once 10 everything is adjusted, then we start with the very 11 first test. And what we do on the first test is we 12 inflate the blood pressure cuff, the test begins, and we 13 read the questions in the same order we reviewed the 14 questions with him. And so we tell him we're going to 15 go right down the list in the same order we just did. 16 All you have to do is listen to the question and simply 17 answer with a yes or a no. At that point the test is 18 started.</p> <p>19 Q. And do you recall how long Mr. Amor's initial 20 polygraph test was?</p> <p>21 A. The whole series you mean? The entire test?</p> <p>22 Q. Yes.</p> <p>23 A. It would have gone from approximately 5:40 24 until about 6:15.</p>	Page 76
<p>1 proceeded.</p> <p>2 Q. Great. Okay. So turning back to after -- now 3 going over the questions with Mr. Amor. Did he have any 4 responses to the questions? Did he have any concerns 5 with them?</p> <p>6 A. You mean reviewing the test --</p> <p>7 MR. PASQUALINO: I'm going to object to --</p> <p>8 BY THE WITNESS:</p> <p>9 A. (Continuing.) -- questions with him?</p> <p>10 Q. Yes.</p> <p>11 MR. PASQUALINO: -- form. Is this the pretest or 12 the polygraph test, Mariah? I'm sorry.</p> <p>13 MS. GARCIA: The polygraph test.</p> <p>14 MR. PASQUALINO: Okay. Just for clarity.</p> <p>15 MS. GARCIA: Of course.</p> <p>16 BY THE WITNESS:</p> <p>17 A. So you're talking about reviewing the 18 polygraph questions with him prior to the test?</p> <p>19 Q. Uh-huh. Yes.</p> <p>20 A. Yeah. He had no concerns.</p> <p>21 Q. And after you reviewed the questions with him, 22 what happened next?</p> <p>23 A. Once the questions are reviewed, he's attached 24 to the polygraph instrument. We describe and explain to</p>	Page 75	<p>1 Q. Let me just pull up what we can call 2 Exhibit 3. Sorry. Give me one moment. Can you see 3 this, Mr. Masokas?</p> <p>4 A. Yes.</p> <p>5 Q. For the record, this is Bates SDT Reid 47 to 6 49. And is this your handwriting, Mr. Masokas?</p> <p>7 A. Yes.</p> <p>8 Q. And is this -- I will scroll through for you 9 slowly, but let me know if you need me to stop. Is this 10 the -- this first page, the formulation of the questions 11 you asked during the polygraph examination?</p> <p>12 A. No. What you're looking at is the pretest 13 interview.</p> <p>14 Q. Okay. On the second page, is that the pretest 15 interview as well?</p> <p>16 A. Correct.</p> <p>17 Q. Okay. And then I'm going to flip to another 18 exhibit. We'll call this Exhibit -- I just need to find 19 it. Not this one. This is Exhibit 4 and this is Bates 20 SDT Reid 46. Is this -- Can you describe what you see 21 on this page?</p> <p>22 A. Yeah. That's the polygraph test question 23 sheet. Those were the questions asked on the polygraph.</p> <p>24 Q. Okay. And can you go over the questions with</p>	Page 77

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<p>1 me very quickly? So --</p> <p>2 A. Sure. Can you enlarge it a little bit?</p> <p>3 Q. Yeah, of course. It says number one. Can you</p> <p>4 recall what it says on number one?</p> <p>5 A. Sure. Do they call you Bill? His answer was</p> <p>6 yes.</p> <p>7 Are you over 35 years old? His answer was</p> <p>8 yes.</p> <p>9 On Sunday, September 10th, 1995, did you do</p> <p>10 anything to start a fire in your apartment in -- I think</p> <p>11 it says in parenthesis -- in Naperville? The answer was</p> <p>12 no.</p> <p>13 Question 4: Are you in Chicago right now?</p> <p>14 His answer was yes.</p> <p>15 Number 5: Did you help or plan with anyone to</p> <p>16 start that fire? His answer was no.</p> <p>17 Number 6: Besides traffic violations and</p> <p>18 stealing, did you ever do anything else against the law?</p> <p>19 His answer was no.</p> <p>20 Question 7: Did you ever go to school?</p> <p>21 Question -- It's 8(a). You see 8(a)? On --</p> <p>22 Q. Uh-huh.</p> <p>23 A. On September 10th, '95, before you left to the</p> <p>24 movie, did you know your apartment was going to be</p>	<p>Page 78</p> <p>1 4:40 p.m. to 5:20 where the -- Does it say 2s? So</p> <p>2 that's what we're asking -- That was the pretest</p> <p>3 interview. And then 4:40, it says charts. That means</p> <p>4 we started the charts. And then 6:15 out. That was the</p> <p>5 charts are over. I stepped out of the room. And then</p> <p>6 with the arrow going down where it says post, that's</p> <p>7 where the post-test interview would have started at</p> <p>8 6:30. Left that room at 7:30 where it says out. And</p> <p>9 then in, back in the room 7:45, equal ATN and MFM. So,</p> <p>10 in other words, myself and Art Newey went back in the</p> <p>11 room at 7:15 to speak with Mr. Amor and then we stepped</p> <p>12 out at 8:30. And then ATN, Art Newey, went back in the</p> <p>13 room at 8:45. He was in there for a half hour, stepped</p> <p>14 out at 9:15. And then at the bottom down there, NPD,</p> <p>15 Naperville PD, went in the room at 9:30. They came out</p> <p>16 at 10:00 and then they left our office at 10:30.</p> <p>17 Q. Great. That's really helpful. And then just</p> <p>18 one more question about the markings. On the left-hand</p> <p>19 side under where it says body type, there's a grid</p> <p>20 pattern. Do you see that?</p> <p>21 A. Yes.</p> <p>22 Q. Is this --</p> <p>23 A. Those -- That -- Those are the checkmarks.</p> <p>24 Remember we talked about the scoring with the</p>	<p>Page 80</p>
<p>1 destroyed by a fire? He said no.</p> <p>2 Question 9(b) down there: Do you know who set</p> <p>3 that fire in your apartment? He said no.</p> <p>4 And then the very last one, Question 11:</p> <p>5 Besides an argument, have you ever done anything to</p> <p>6 intentionally hurt someone? He said no.</p> <p>7 Q. Okay. That's very helpful. Thank you.</p> <p>8 A. Yes.</p> <p>9 Q. I'm just going to go over some of the symbols</p> <p>10 on the sheet. Would it be fair to assume that the plus</p> <p>11 next to several questions, but specifically Question 1</p> <p>12 is an indication of yes?</p> <p>13 A. Correct.</p> <p>14 Q. And the minus sign is an indication of no?</p> <p>15 A. Correct.</p> <p>16 Q. And it's in the top right corner right where</p> <p>17 it says -- next to RE: X date card, X time, can you</p> <p>18 describe what this writing that I'm highlighting --</p> <p>19 A. Yeah. That's my -- That's some notes that I</p> <p>20 made. It said subject used the washroom two or three</p> <p>21 times and was offered cigarettes and water.</p> <p>22 Q. Okay.</p> <p>23 A. And then further on down, there's a timeline</p> <p>24 there that I just jotted notes down. Where you see time</p>	<p>Page 79</p> <p>1 checkmarks?</p> <p>2 Q. Yes. And --</p> <p>3 A. That's what those are.</p> <p>4 Q. So next to 3, for example, it looks like</p> <p>5 there's three checkmarks. What would you characterize</p> <p>6 those checkmarks as based on your earlier testimony that</p> <p>7 it goes from light, medium, and dark checkmarks in order</p> <p>8 to score polygraph examinations?</p> <p>9 A. Right. You see the first checkmark closest to</p> <p>10 the number 3 --</p> <p>11 Q. Uh-huh.</p> <p>12 A. -- the one in the far right?</p> <p>13 Q. Yes.</p> <p>14 A. Yeah. It's a light checkmark so, you know, a</p> <p>15 light response, deceptive response. And then to the</p> <p>16 left of that, it's a little bit heavier so it was a</p> <p>17 stronger response. And then to the left of that one,</p> <p>18 it's a little bit lighter again. And then the fourth</p> <p>19 one and the last one at the top there, it's a heavier</p> <p>20 response. But above the checkmark, you can see the</p> <p>21 letter B?</p> <p>22 Q. Yes.</p> <p>23 A. B for -- B stands -- is for blood pressure.</p> <p>24 So a checkmark with a B is a blood pressure response.</p>	<p>Page 81</p>

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<p style="text-align: right;">Page 82</p> <p>1 So it was a pretty significant blood pressure response. 2 And then right above the B is a number 6. Do you see 3 that?</p> <p>4 Q. Yes.</p> <p>5 A. The number 6 means ... This Question No. 3 is 6 stronger than Question No. 6. We're comparing 7 Question 3 with Question 6. So it's 3 over 6.</p> <p>8 Q. And do you make these marks during the 9 polygraph examination or after?</p> <p>10 A. After.</p> <p>11 Q. Okay. And what's the significance of one 12 question having a greater response than another? So, 13 for example --</p> <p>14 A. If you look --</p> <p>15 Q. -- like you said, you know, 6 has a stronger 16 indication of blood pressure.</p> <p>17 A. Right. So his response to the question: On 18 Sunday, September 10th, did you do anything to start the 19 fire? That response was much more significant than his 20 response on the control question: Besides traffic 21 violations and stealing, did you do anything else 22 against the law? So his focus -- his primary focus was 23 on the question of starting the fire, not the control 24 question.</p>	<p style="text-align: right;">Page 84</p> <p>1 A. It's -- That's respiration. It's just a 2 checkmark? It's just respiration response.</p> <p>3 Q. Okay. And what are the different types of 4 responses that you're analyzing when attempting to 5 figure out if a -- there is deception on an answer 6 given?</p> <p>7 A. I'm not following you.</p> <p>8 Q. Sure. So you said that there was various -- 9 you know, there's blood pressure responses, there's 10 respiratory responses that in your experience go towards 11 whether or not someone is being deceptive, correct?</p> <p>12 A. It's a physiological response. There's no 13 physiological response indicative of deception per se. 14 It's the totality of the responses. In other words, 15 there's a physiological response on a particular 16 question and then we look at the consistency in all of 17 the tests.</p> <p>18 Q. Okay. And so my question based off that is 19 what are the types of physiological responses that 20 you're analyzing when attempting to figure out whether 21 or not someone was being deceptive on a polygraph 22 examination?</p> <p>23 A. And we talked about this earlier. 24 Respiration; there could be a change in amplitude; there</p>
<p style="text-align: right;">Page 83</p> <p>1 Q. And the control question --</p> <p>2 A. Number 6.</p> <p>3 Q. -- was Number 6? Okay.</p> <p>4 A. Besides traffic violations and stealing, have 5 you ever done anything else against the law?</p> <p>6 Q. And going down the grid next to Number 5, it 7 looks like there's an 11?</p> <p>8 A. Uh-huh.</p> <p>9 Q. What does the 11 indicate?</p> <p>10 A. Just like the prior question with the 6, 11 Question No. 5 is greater than Question 11. The two 12 control questions are 6 and 11 so we're comparing 13 Question 5 to Question 11.</p> <p>14 Q. All right. And is this an X or a plus?</p> <p>15 A. It's a plus.</p> <p>16 Q. Okay.</p> <p>17 A. So the checkmark -- A single checkmark is a 18 response in the respiration. A checkmark with a plus 19 means there are two responses. One in the respiration 20 and one in the blood pressure. A checkmark with the 21 letter B is -- it's a single response in the blood 22 pressure.</p> <p>23 Q. And what about checkmarks that don't have a B 24 or a plus?</p>	<p style="text-align: right;">Page 85</p> <p>1 could be a change in rate; as far as blood pressure, if 2 there's a rise or a fall in blood pressure; galvanic 3 skin response, there's a rise in galvanic skin response. 4 So -- I mean, we're looking at all of these different 5 types of responses on each question.</p> <p>6 Q. Sure. And so I'm not going to have you go 7 over the raw data because I know you did that in the 8 prior deposition.</p> <p>9 A. Yes.</p> <p>10 Q. I didn't have to ask you that. 11 So after you give the test to Mr. Amor, what 12 did you do next?</p> <p>13 A. When the test was complete, I stepped out of 14 the room, I took the charts with me, evaluated the test. 15 And at that point it was evaluated as being deceptive. 16 Mr. Newey was there in the office. He would have scored 17 the test as well, confirmation that, you know, we're 18 both on the same page here. And then at that point I 19 went back in the room. It was approximately 6:30, went 20 back in the room to give Mr. Amor the results of the 21 polygraph.</p> <p>22 Q. Do you recall what you said to Mr. Amor when 23 you entered the room?</p> <p>24 A. I cannot be specific as far as verbatim what</p>

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<p>Page 86</p> <p>1 was said, however, it was probably something to the 2 effect of you're not passing the polygraph. The results 3 of the polygraph indicate that you are involved or have 4 knowledge of the fire. So we just let him know he's -- 5 he did not pass the test.</p> <p>6 Q. And how did he react when you told him he 7 didn't pass the test?</p> <p>8 A. Again, I can't be specific exactly how he 9 responded, but it was not a very strong response simply 10 because that was something that stood out to me and 11 that's why I remembered him in the first place because 12 he wasn't very emotional about it. He did not offer a 13 very strong denial at that point.</p> <p>14 Q. And did Mr. Amor's lack of denial in your view 15 indicate anything about whether or not he had something 16 to do with the fire?</p> <p>17 A. Well, his lack of denial definitely is more of 18 an indicator of someone who's deceptive. Now, it's not 19 the only indicator, but it's just -- it's one of in the 20 big picture something that we would consider.</p> <p>21 Q. Okay. So then after you told Mr. Amor that he 22 didn't pass the polygraph examination, what happened 23 next?</p> <p>24 A. At that point I sat down with him, told him</p>	<p>Page 88</p> <p>1 Q. And what was his response? I know you can't 2 say verbatim, but do you recall what his response was 3 when you said that?</p> <p>4 A. Yeah. Sure. He continued to deny involvement 5 and deny knowledge. He just kept saying, no, I didn't 6 do it. I don't know anything about it.</p> <p>7 Q. And what was your -- After he denied the 8 knowledge, what happened next?</p> <p>9 A. Well, again, this went on for about an hour, 10 from 5- -- 6:30 to about 7:30. And then at 7- -- 11 Around 7:30, he was still offering his denials without 12 any explanation and so at that point is when I left the 13 room and spoke with Mr. Newey. I felt as though, you 14 know what? Maybe Mr. Newey can make him -- have a 15 better connection than I can. Sometimes people -- If 16 you don't connect with somebody, they don't want to talk 17 to you and we've experienced that before, rapport. And 18 so I -- Art Newey had a different personality than I 19 did. He was a bit more gregarious. He was a smoker 20 which Mr. Amor was a smoker at the time and sometimes 21 Art would have a cigarette with this person and so I 22 thought maybe Art could make a better connection. So 23 Art and I went back in the room at about 7:45, 7:30? It 24 was about 7:45 until about 8:15. Now, during that half</p>
<p>Page 87</p> <p>1 that I want to talk to him a little bit to see if we 2 could get something clarified as to why he's not 3 passing. And at that point then I had offered some 4 suggestions to him as to what may be causing the 5 problem.</p> <p>6 Q. And what did you say may be causing the 7 problem?</p> <p>8 A. Again, specifically I cannot say for certain, 9 but based on the polygraph questions, it would have 10 probably been something to the effect of if you know who 11 did this and you're just afraid to say, that could be a 12 reason why you're not passing and it's something that 13 you should explain. That would clarify the results. Or 14 maybe you found out who did this the day after it 15 happened. You found out -- You had knowledge after the 16 fact and you're just afraid to say anything. Either you 17 don't want to get anybody into trouble or maybe you were 18 threatened into not saying anything. Or on the other 19 hand, maybe it's a situation where you may have spilled 20 some vodka and you're thinking the cigarette fell out 21 and maybe that's what you're thinking, but there's some 22 reason why you're not passing the test. And if we can 23 explain that, then that would give us an idea as to what 24 the problem is.</p>	<p>Page 89</p> <p>1 hour, he was the one doing most of the talking at that 2 point, offering, again, suggestions as to why he may be 3 failing the test. Half hour later Mr. Amor was still 4 saying he didn't do it so we stepped out of the room 5 again and just figured, you know, he's got no 6 explanation for why he's not passing.</p> <p>7 Q. And what happened after you stepped out -- you 8 conferred with Mr. Newey?</p> <p>9 A. I believe -- Again, I cannot be 100 percent 10 sure, but I think at that point we may have spoken to 11 the detectives who were still out in the lobby area. At 12 no time did they have access to our office because the 13 door was locked. They could not have gotten in. So we 14 went out to the lobby, conferred with them, let them 15 know that Mr. Amor was not passing the polygraph, that 16 we had spoken to him and he was still denying any 17 involvement and that there was no explanation on his 18 part why he was not passing. After a short conversation 19 with the detectives, Mr. Newey felt as though he wanted 20 to talk with Mr. Amor one more time, just the two of 21 them this time without me in the room or anybody else. 22 He thought maybe he could have a better connection just 23 the two of them, more rapport. So I believe it was 24 around 8:45 that Mr. Newey went back in the room, spoke</p>

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<p>1 with Mr. Amor for another 30 minutes. I want to say it 2 was around 9:15 Mr. Amor was still denying any 3 involvement, any knowledge, and so Mr. Newey left, 4 stepped out of the office again around 9:15. As far as 5 I know, at that point he conferred with the detectives. 6 I was gone. I left about 9:00 o'clock that evening. So 7 Mr. Newey was going to conclude things with the 8 detectives and then I believe the detectives went in and 9 spoke with Mr. Amor, the two of them, for about a half 10 hour, 9:30 to 10:00, and Mr. Amor was still denying any 11 involvement or knowledge. And then between 10:00 and 12 10:30, I don't know what they were doing. I think they 13 were speaking with Mr. Newey and then they left about 14 10:30. The two detectives and Mr. Amor left our office 15 about 10:30.</p> <p>16 Q. Great. After you met with Mr. Newey to 17 discuss the results after the first polygraph 18 examination, did Mr. Newey or yourself do another 19 polygraph examination of Mr. Amor?</p> <p>20 A. No.</p> <p>21 Q. Okay. And was Mr. Amor with -- Did you ever 22 move from one room to another while you were 23 polygraphing Mr. Amor?</p> <p>24 A. Yes, that we did do. After the pretest</p>	<p>Page 90</p> <p>1 Q. Was there a window in the polygraph room? 2 A. No. 3 Q. Okay. And there was an observation -- There 4 wasn't an observation room for which someone could watch 5 the polygraph occurring? 6 A. No. 7 Q. And you mentioned you left at 9:00 o'clock 8 that night, approximately, correct? 9 A. Yes. 10 Q. Did you speak with Mr. Newey after you left 11 regarding the examination? 12 A. It would have been the next morning when I 13 spoke to him. 14 Q. And do you recall what he said the next 15 morning? 16 A. Yeah. He filled me in. He basically told me 17 that after I had left at 9:00, you know, he was in the 18 room with Mr. Amor until 9:15 and that's when he came 19 out, he stepped out, conferred with the detectives that 20 Mr. Amor was still saying he had nothing to do with it, 21 that he was not involved, he had no knowledge of the 22 fire. And then he told me that the two investigators 23 went into the room with Mr. Amor for approximately a 24 half hour, from 9:30 to 10:00. They spoke with him.</p>
<p>1 interview, before we started the polygraph test, he 2 would have been moved from the interview room to another 3 office that contained the actual polygraph. It was 4 right across the hall from the original room. And so we 5 ran the polygraph test in this smaller office which 6 again went from approximately 5:40 to 6:15. And then 7 once the polygraph test was completed, he was moved back 8 across the hall to the bigger room. It's a little more 9 comfortable. The chair is a little more comfortable 10 than the polygraph chair. So he was just moved across 11 the hall and back into the big -- original room. And 12 then at that point I said I'll be back in a little bit, 13 I'm going to evaluate the test. So he would have been 14 moved the first time to the polygraph room. The second 15 time back to the original interview room.</p> <p>16 Q. And do you recall the layout of the polygraph 17 room?</p> <p>18 A. Yes. Yes. I think this is the same room. 19 You enter the door. There is a desk to your left and 20 kind of coming out towards the door. It's against the 21 wall. It's coming out towards the door. It's kind of 22 in the middle of the wall and it's got the polygraph 23 instrument, the machine right built in the desk, and 24 then there's a chair on either side.</p>	<p>Page 91</p> <p>1 And then at 10:00 o'clock, they came out of the room. 2 Mr. Amor was still denying any involvement at that 3 point. And then Mr. Newey apparently I believe spoke 4 with them for maybe a half hour and then they left our 5 office at 10:30. So he had filled me in on what had 6 transpired after I left. 7 Q. Okay. And in your experience at Reid & 8 Associates, was it standard practice to allow law 9 enforcement agents to conduct post-polygraph 10 interrogations of a suspect? 11 A. Once we were done, once our part of it was 12 over, if they wanted to talk with him after, we would 13 allow them to use the room for a short period of time. 14 Obviously, they're not allowed to be in there for four 15 hours, but if they needed to talk with him for a couple 16 of minutes before they left, then we would allow that. 17 But it was not a necessarily standard practice, but it's 18 not something that we forbade. You know, it's not like, 19 well, no, you can't do that. They were about to leave 20 and so -- Again, our part of it was over and so they 21 were allowed to use the room for a few minutes. 22 Q. And if you -- 23 MR. BOWMAN: This is Locke Bowman. Sorry. This is 24 Locke Bowman. I was wondering if I could propose that</p>

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<p>Page 94</p> <p>1 we take a short break at this point? We've been going 2 for a little while.</p> <p>3 MS. GARCIA: Yeah. I would like a break to go to 4 the bathroom if that's possible.</p> <p>5 MR. PASQUALINO: Yeah. That's fine. Mariah, how 6 much more do you think you have? Timing purposes.</p> <p>7 MS. GARCIA: Yeah. I have a couple more questions. 8 I will -- When we take the break, I'll also look over 9 and I can give you a better estimate once we're back. 10 I'll look over my notes.</p> <p>11 MR. PASQUALINO: So another, what, seven minutes? 12 MS. GARCIA: Sure.</p> <p>13 MR. PASQUALINO: 5:05?</p> <p>14 MS. GARCIA: Yeah, 5:05.</p> <p>15 MR. PASQUALINO: Okay.</p> <p>16 MS. GARCIA: Great.</p> <p>17 (A short break was had.)</p> <p>18 BY MS. GARCIA:</p> <p>19 Q. Mr. Masokas, I probably should have clarified 20 this earlier, but do you have anything in front of you 21 right now?</p> <p>22 A. I do not.</p> <p>23 Q. Okay. Do you have your file in front of you?</p> <p>24 A. My file is next to me, but it's not open in</p>	<p>Page 96</p> <p>1 so that was something of interest that kind of stood 2 out. Art and I kind of joked about the name a little 3 bit. But also his case, I had to testify. I was called 4 to testify at the suppression hearing several months 5 later. And so it was something that because of that, I 6 had reviewed the case, reviewed my file, and so it was 7 something that just stuck considering that I was part of 8 this particular issue.</p> <p>9 Q. Okay. And going back to the time period after 10 the polygraph exam was given when you and Mr. Amor were 11 speaking, were you using any particular interview 12 technique while speaking to him?</p> <p>13 A. When you say interview technique --</p> <p>14 Q. Yes.</p> <p>15 A. -- do you mean the pretest interview?</p> <p>16 Q. No. After you had scored the polygraph 17 examination and it came back that it had been deceptive 18 or indications of deception, did you use any particular 19 interview technique when speaking with Mr. Amor?</p> <p>20 A. Absolutely. The Reid Technique. The name of 21 the company is John Reid.</p> <p>22 Q. Yeah. And now you asked [sic] my question 23 which is did you use the Reid Technique when you were 24 interviewing Mr. Amor?</p>
<p>Page 95</p> <p>1 case you needed anything from me, but it's not open.</p> <p>2 Q. Okay. And have you opened the file at all 3 during the course of the deposition?</p> <p>4 A. No.</p> <p>5 Q. Okay. And so everything that you testified to 6 outside of questions that were based around the 7 documents that I showed you is coming from your own 8 independent recollection?</p> <p>9 A. Yes.</p> <p>10 Q. And so you gave a pretty extensive 11 recollection of the event which is 27 years ago or so. 12 Is there a reason why -- Actually, strike that. That's 13 a bad question.</p> <p>14 Is the Amor case memorable for you in some 15 way?</p> <p>16 MR. PASQUALINO: I'll object to form, foundation.</p> <p>17 Go ahead.</p> <p>18 BY THE WITNESS:</p> <p>19 A. Yes.</p> <p>20 Q. And why is that?</p> <p>21 A. Well, at the previous deposition I was asked 22 the same question and the first reason I remember him is 23 because he had a pretty cool name, Amor, like love.</p> <p>24 William Love. We don't get people like that often and</p>	<p>Page 97</p> <p>1 And I know you weren't in every single 2 interview with Mr. Newey, but did Mr. Newey, likewise, 3 use the Reid Technique when interviewing Mr. Amor?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And when you were -- You spoke with him 6 after -- I think I'm recalling your testimony correctly, 7 you spoke with him -- Mr. Amor after the examination for 8 about an hour or so, correct?</p> <p>9 A. Yes.</p> <p>10 Q. And then Mr. Newey spoke to him for a chunk of 11 half an hour and then 15 minutes, correct?</p> <p>12 A. Yes, about 45 minutes. Well, that's when both 13 of us were in there. It was about an additional 14 45 minutes.</p> <p>15 Q. Okay. And so --</p> <p>16 A. I do recall that.</p> <p>17 Q. And the police then spoke to him for around 18 30 minutes after, correct?</p> <p>19 A. Yes.</p> <p>20 Q. And you testified earlier that you spoke to 21 Mr. Amor after the test to try and understand what -- 22 why there may have been indications of deception, 23 correct?</p> <p>24 A. Yes, ma'am.</p>

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<p>1 Q. Is that a standard practice within John Reid & 2 Associates? 3 A. Yes. 4 Q. And is it standard practice to speak to 5 someone for over an hour in an attempt to clarify why 6 they had some sort of deception indicated on their exam? 7 A. Sometimes, yes. 8 Q. So you don't find it excessive to have asked 9 for an hour and a half -- or an hour and 45 minutes why 10 Mr. Amor believed he failed the exam? 11 A. No, not at all. 12 Q. And why not? 13 A. Because an hour and a half -- You said an hour 14 and a half? 15 Q. An hour and a half? An hour, 45? I'm adding 16 the time you spoke to Mr. Amor and Mr. Newey spoke to 17 him. 18 A. I don't really consider an hour, hour and a 19 half excessive. 20 Q. What would be excessive in your view? 21 A. 10 hours, 15 hours, 20 hours. We just talked 22 to him initially for an hour. 23 Q. And other than having him clarify why he 24 failed the test, you were also seeking to have him admit</p>	<p>1 BY MS. GARCIA: 2 Q. Actually, let me ask that a different way. 3 Okay. Did you often talk to suspects or 4 persons you had polygraphed after they failed an 5 examination for upwards of an hour and 45 minutes? 6 A. Have there been other times where we've done 7 that? Is that your question? 8 Q. Yes. 9 A. Yes. 10 Q. And approximately how many other times would 11 you say? 12 A. I have no idea. I can't answer that. 13 Q. Is it within -- 14 A. I have done polygraph for 25 years. I have no 15 idea. 16 Q. Is it -- Put another way: Is it common for 17 you to try -- attempt to clarify why there's indications 18 of deception on someone's test for upwards of an hour 19 and 45 minutes? 20 A. Yes, that does happen. Sure. 21 Q. I'm not asking if it happened. I'm asking if 22 it's common within your practice? 23 A. Well, depending on what the issue is, yes -- 24 Q. Okay.</p>
<p>1 that he started the fire or knew information about who 2 started the fire, correct? 3 A. Well, we were trying to figure out what the 4 truth was. There was deception on the polygraph. We 5 had no idea why. Is it because he started the fire? I 6 don't know. Is it because he helped someone start the 7 fire? I don't know. Is it because he just had 8 knowledge of who started the fire? I don't know. And 9 so we were trying to figure out what is causing the 10 deceptive results. 11 Q. Okay. 12 A. And so, again, we're trying to determine, you 13 know, what the truth was. I mean, if there would have 14 been some sort of explanation, it would have given us 15 some idea at least what could have been causing those 16 results. 17 Q. And in other cases where you were attempting 18 to clarify why someone's results were deceptive 19 (inaudible.) 20 (Enter Mr. Bowman via videoconference.) 21 THE COURT REPORTER: I'm sorry. Can you start 22 over? 23 MS. GARCIA: Of course. 24 THE COURT REPORTER: Thank you.</p>	<p>1 A. -- it would be common. 2 Q. And is that something that you're trained to 3 do under the Reid Technique? 4 A. Yes. 5 Q. And is that something that you're trained to 6 do within polygraph school? 7 A. I don't know what's taught at other polygraph 8 schools, but I do know at other polygraph schools, a 9 form of interrogation is taught. Now, whether that's 10 the Reid Technique or a different technique, I don't 11 know, but it would be part of a polygraph curriculum, 12 yes. 13 Q. And you testified earlier that you spoke with 14 Mr. Newey the next day regarding what occurred after you 15 left Reid & Associates, correct? 16 A. Yes. 17 Q. And can you -- What did Mr. Newey tell you 18 occurred? 19 A. Exactly what I had told you earlier, that he 20 was in the room with Mr. Amor, the two of them, until 21 approximately 9:15. Mr. Amor was still denying any 22 involvement or knowledge of the fire. Mr. Newey stepped 23 out of the room, spoke with the investigators, let them 24 know that, you know, Mr. Amor was still saying he had</p>

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<p style="text-align: right;">Page 102</p> <p>1 nothing to do with it. At that point the two 2 investigators went into the room with Mr. Amor for 3 30 minutes. They came out at approximately 4 10:00 o'clock, let Mr. Newey know that Mr. Amor was not 5 admitting anything, was still denying any involvement or 6 knowledge, and then they left our office at 10:00 -- 7 approximately 10:30.</p> <p>8 Q. And did Mr. Newey discuss or have knowledge of 9 what occurred after Mr. Amor and the detectives left 10 Reid & Associates?</p> <p>11 A. No.</p> <p>12 Q. So the next day were you made aware that 13 Mr. Amor was brought to Naperville Police Department 14 after the polygraph exam at Reid & Associates?</p> <p>15 A. I mean, not specifically, no. We were 16 never -- No one called us. No one said, Oh, afterwards 17 we took him back. No, not -- that did not happen.</p> <p>18 Q. Okay. And were you made aware that after 19 Mr. Amor was placed in an interrogation room in the 20 Naperville Police Department, he was served with divorce 21 papers from Ms. Tina Miceli?</p> <p>22 A. I did not know that.</p> <p>23 Q. Okay. And were you made aware that after he 24 had received those divorce papers, he confessed to</p>	<p style="text-align: right;">Page 104</p> <p>1 A. We were not involved in the investigation. 2 We're -- All we did is provide a service, a polygraph 3 service. That's it. As far as the investigation goes, 4 I have no idea or Reid has no idea what was involved in 5 the investigation before they got to our office or after 6 they left our office. So what he said during his 7 statement to the police, I don't know what that was 8 other than he admitted setting the fire.</p> <p>9 Q. And based on your experience in interview and 10 interrogation, do you think after getting out of jail, 11 only having four hours of sleep, having been polygraphed 12 for several hours, and then several more hours being 13 spent at your offices being questioned per the Reid 14 Technique, it was appropriate for the Naperville Police 15 Department officers to continue the interrogation at 16 Naperville Police Department?</p> <p>17 MR. PASQUALINO: I'll just object to form and 18 foundation.</p> <p>19 If you know, go ahead.</p> <p>20 BY THE WITNESS:</p> <p>21 A. I can't answer whether it was appropriate or 22 not because I wasn't there and I don't know what 23 transpired. So I have no facts, I have no details or 24 anything as far as what was said and what was done so</p>
<p style="text-align: right;">Page 103</p> <p>1 setting fire purposefully in the Miceli household?</p> <p>2 A. At some point we learned that he did confess. 3 When we learned that? I don't know. It could have been 4 several months later when I was called for the 5 suppression hearing. I don't know. I cannot give you a 6 specific date as to when we heard or how we heard. I 7 don't know. Because once they left our office, we were 8 no longer part of it. We were done. No. We -- The 9 reason they called us and came to us is they -- we 10 provide a service. We give polygraph tests. It's a -- 11 We're a services-oriented company. Various departments 12 use our services. Private companies use our services 13 and that's what they did. My understanding, their 14 polygraph, their regular polygraph examiner was Rich 15 O'Brien from O'Brien & Associates because I understand 16 that Ms. Miceli took a polygraph from O'Brien. And so 17 we were not -- Naperville was not our -- a regular 18 customer of ours. So once they left our office, we were 19 done.</p> <p>20 Q. And were you eventually made aware of the 21 circumstances of Mr. Amor's confession?</p> <p>22 A. No. To this day, I have no idea what he said 23 specifically.</p> <p>24 Q. Okay.</p>	<p style="text-align: right;">Page 105</p> <p>1 I'm really not in a position to answer that.</p> <p>2 Q. Well, you've been teaching interview and 3 interrogation techniques for over 15 years, correct?</p> <p>4 A. Correct.</p> <p>5 Q. So based on your understanding of interview 6 and interrogation techniques, do you think it was 7 appropriate for the Naperville Police Department to 8 continue questioning Mr. Amor after he had gone through 9 a polygraph examination, had been told he failed which 10 you yourself said can cause someone to be distressed to 11 the point where they shouldn't be polygraphed again for 12 at least 24 hours especially considering he had only 13 four hours of sleep and hadn't eaten for the entire day?</p> <p>14 A. Uh-huh. Again, I don't know -- I wasn't there 15 to assess Mr. Amor's mental state, his physical state. 16 So to say, no, it was inappropriate or, yes, it was 17 inappropriate, again, I don't have all the details, you 18 know, to really say one way or the other because I 19 wasn't present.</p> <p>20 Q. And would you agree or disagree that it was 21 inappropriate for there to be any other attempts at 22 clarifying why Mr. Amor flunked the polygraph 23 examination after you and Mr. Newey had questioned him 24 for upwards of an hour and 45 minutes?</p>

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<p>1 MR. PASQUALINO: Form, foundation.</p> <p>2 BY THE WITNESS:</p> <p>3 A. Again -- Can you repeat your question? I'm 4 sorry.</p> <p>5 Q. Sure. Based on your experience as someone who 6 teaches and has experience in interviewing and 7 interrogation, do you agree it was appropriate or 8 inappropriate -- sorry -- do you agree it was 9 inappropriate for the Naperville Police Department to 10 conduct further attempts to clarify why Mr. Amor flunked 11 the polygraph after you and Mr. Newey had already 12 extensively asked that of him?</p> <p>13 MR. PASQUALINO: Same objection.</p> <p>14 BY THE WITNESS:</p> <p>15 A. I can't say that it was inappropriate. Again, 16 not being present, if -- Depending on what's being 17 discussed, how it's being discussed, all plays a role 18 here. If it was an interview and they're asking him 19 questions, look, you're not passing the test. Why 20 aren't you passing the test or if it was something other 21 than that, I can't say. I have to take into, you know, 22 consideration the totality of everything and I wasn't 23 there at the time. I mean, I can understand on the way 24 back if -- Did they -- I don't even know if they drove</p>	<p>Page 106</p> <p>1 Again, I don't know specifics. I don't know how things 2 transpired, but just from a general perspective, a 3 general statement, I don't think that would be 4 appropriate.</p> <p>5 Q. Great. And when if at any time are you made 6 aware that Mr. Amor had been served divorce papers the 7 evening or early morning after you polygraphed him at 8 Reid & Associates?</p> <p>9 MR. PASQUALINO: I'm going to object to a 10 mischaracterization of testimony. I don't think he ever 11 knew Mr. Amor was served.</p> <p>12 But if you know, go ahead.</p> <p>13 BY THE WITNESS:</p> <p>14 A. No, I didn't. I had no idea. I had no idea. 15 I -- You know, I had said we were not part of this 16 investigation either before he got to our office or once 17 he left our office. So anything that was occurring with 18 the detectives once he left our office, anything that 19 was said, we had no knowledge, we were not a part of it. 20 I never knew about any divorce papers.</p> <p>21 Q. And obviously since you were part of the 22 post-conviction -- Sorry. Strike that.</p> <p>23 You've been made aware that Mr. Amor was 24 exonerated for the conviction of murder based on this</p>
<p>1 in together. Do you know that, if they came to our 2 office in the same vehicle? I don't. Because --</p> <p>3 Q. Yes.</p> <p>4 A. Okay. So on the way back in the car, I don't 5 think it would be inappropriate for them to talk to him. 6 Like, what -- You know, you're not passing the 7 polygraph. What happened? What's going on here? The 8 test -- This test says you're not telling the truth. 9 So, you know, in the car, I think it would be almost 10 common -- a common thing to ask him those questions. 11 Once they got back to the department, however, I don't 12 know what transpired.</p> <p>13 Q. Okay. And do you believe that given all the 14 circumstances surrounding Mr. Amor's polygraph, the time 15 that he spent within the office, the time that he spent 16 prior to getting to the office without any sleep or any 17 sustenance, that it was appropriate for them to -- the 18 Naperville Police Department to serve divorce papers on 19 Mr. Amor in the course of interrogation -- interrogating 20 him?</p> <p>21 MR. PASQUALINO: Form, foundation.</p> <p>22 BY THE WITNESS:</p> <p>23 A. Serving divorce papers in the midst of an 24 interrogation I don't think is appropriate. I don't --</p>	<p>Page 107</p> <p>1 fire that was set -- that occurred, correct?</p> <p>2 A. Well, I don't know exactly what transpired. I 3 was told -- From what I heard, I was told that the fire 4 could not have been -- could not have started in the 5 manner in which he stated it was started. That's what I 6 had heard.</p> <p>7 Q. Okay.</p> <p>8 A. As far as him being exonerated, that -- I was 9 not told that.</p> <p>10 Q. Okay. And considering the fact that Mr. Amor 11 has since been exonerated, do you have any regrets 12 regarding the role you played in bringing about his 13 confession?</p> <p>14 MR. PASQUALINO: I'll object. Form and foundation 15 and role.</p> <p>16 BY THE WITNESS:</p> <p>17 A. Can I ask for clarification?</p> <p>18 Q. Sure.</p> <p>19 A. When you say "exonerated," what do you mean?</p> <p>20 Q. In this instance, I mean he was retried for 21 this conviction and was found not guilty of setting the 22 fire.</p> <p>23 A. He was, in fact, retried?</p> <p>24 Q. He was retried. He had a second trial.</p>

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1	A. Okay. So based on the results of the second trial is what you're saying is exonerated?	1 A. Yes.
2	Q. Yes.	2 Q. And you do not believe that this is a false-positive?
3	A. Okay. And so what was the question? Do I have any regrets?	3 A. I don't.
4	Q. Yes.	4 Q. And you don't believe it's a false-positive
5	A. No.	5 despite the fact that Mr. Amor was exonerated, despite
6	Q. Why not?	6 the fact that Mr. Amor was being given this polygraph
7	A. Because I still have a polygraph test with	7 examination after two weeks in jail, after -- only is
8	deceptive results that I have no explanation for.	8 receiving four hours of sleep and not eating for the
9	Q. And within polygraphing, is there such a thing	9 entire day?
10	as a false-positive?	10 A. Correct.
11	A. Sure.	11 MS. GARCIA: Okay. I just have a couple of last
12	Q. And how often does that occur?	12 questions and I'll be done. Mike, just let me review my
13	A. That, I don't know. Again, I've been out of	13 notes for like two minutes just so I know what I'm going
14	polygraph for several years. So to give you statistics,	14 to ask and then we can finish this up.
15	I can't do that right now. Does it occur? Yes.	15 (A short break was had.)
16	Q. Has it occurred on a case -- Are you aware of	16 BY MS. GARCIA:
17	any time it has occurred on cases or polygraph	17 Q. So after you wrote -- After you and Mr. Newey
18	examinations that you've given?	18 were done polygraphing Mr. Amor on that evening of
19	A. Me specifically? No. Has it ever happened at	19 October 3rd, did you author a report of any kind?
20	Reid & Associates? Sure, probably. The company has	20 A. Yes.
21	been around over 70 years. But with me specifically,	21 MR. PASQUALINO: I'm just going to object to form
22	no, I can't say that I have that I'm aware of anyway.	22 and testimony. Newey didn't administer the polygraph,
23		23 so ... Just for clarity. Go ahead. I'm sorry.
24		24
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1	Q. And do you agree that it's possible that	1 MS. GARCIA: Yeah.
2	Mr. Amor's polygraph examination in this matter was a	2 BY MS. GARCIA:
3	false-positive?	3 Q. And is writing a report after a polygraph
4	A. Is it possible?	4 examination something that's standard practice or was it
5	Q. (Nodding.)	5 something that you were specifically asked to do by the
6	A. Anything is possible. But from my experience,	6 Naperville Police Department?
7	I'd say no.	7 A. No. It's standard practice.
8	Q. Well, given the fact that Mr. Amor was	8 Q. And you provided testimony in the motion to
9	exonerated and given the fact that Mr. Amor won at	9 suppress hearing I believe it was in 1996 or 1997?
10	his -- or was found not guilty at his retrial on this	10 A. I think it was -- I think it was March of '96.
11	matter, do you believe it's possible that the polygraph	11 Q. Okay. And other than -- And you provided the
12	examination was a false-positive and that he didn't, in	12 report prior to this testimony, correct?
13	fact, show signs of deception?	13 A. Yes.
14	MR. PASQUALINO: Objection to form, foundation.	14 Q. So after writing the report and before you
15	BY THE WITNESS:	15 testified, did you do anything else to assist the
16	A. No. Again, I would have to say no on that.	16 Naperville Police Department within the Amor
17	Q. And what are instances when those	17 investigation?
18	false-positives occur if you have that knowledge?	18 A. No.
19	A. Again, I can't answer that. I've been out of	19 Q. And then after you testified at the motion to
20	polygraph for several years so that's something I can't	20 suppress hearing, when was the next time, if any, that
21	be -- can't answer right now. So I couldn't say.	21 you were involved in the Amor matter?
22	Q. And so you believe that Mr. Amor's polygraph	22 A. The deposition in 2019.
23	examination does, in fact, still indicate signs of	23 Q. Okay. So '96 to 2019?
24	deception?	24 A. Yes.

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<p style="text-align: right;">Page 114</p> <p>1 Q. Okay. Earlier you stated, and correct me if 2 I'm wrong, that you view the polygraph as a part of the 3 interrogation -- Strike that.</p> <p>4 Earlier today you testified that you view the 5 polygraph as part of the procedure for conducting 6 interviews and interrogations, correct?</p> <p>7 A. Yes. Yes, sometimes.</p> <p>8 Q. And you also testified that, you know, a 9 polygraph examination would be stressful for any human 10 being --</p> <p>11 A. Sure.</p> <p>12 Q. -- even somebody who's innocent, correct?</p> <p>13 A. Yes.</p> <p>14 Q. And so do you believe it's possible that the 15 stress of the polygraph examination by Mr. -- of 16 Mr. Amor led him to falsely confess to Naperville Police 17 Department that he purposely set the fire at the Miceli 18 residence?</p> <p>19 A. Do I think the stress of the polygraph test 20 caused him to confess?</p> <p>21 Q. Yes.</p> <p>22 A. No.</p> <p>23 Q. Do you think it could have been a contributing 24 factor?</p>	<p style="text-align: right;">Page 116</p> <p>1 when he left our office, he was still saying he had 2 absolutely nothing to do with this.</p> <p>3 Q. So flipping that question, would you say that 4 the polygraph examination as well as the subsequent 5 interviews and prior interviews that same day didn't 6 lead to Mr. Amor's false confession?</p> <p>7 A. Again, let me just say -- Well, what happened 8 in our office -- I'll say it again. From the time he 9 arrived until the time he left, he was saying he had 10 nothing to do with this. So as far as stress, as far as 11 anxiety, Mr. Amor was in full control of what he was 12 saying and what he was doing when he left our office, 13 and he was free to leave at any time. He was not in 14 custody. He -- There were no locks on any of the doors 15 for him to leave. He could have left whenever he wanted 16 to. And so all I can tell you is what transpired in our 17 office, and the stress and anxiety did not cause him to 18 confess to us. So we follow procedure, we follow 19 protocol, and we did exactly what we were trained to do. 20 And so what happened after he left, I don't know.</p> <p>21 Q. Okay. And just a follow up to that, you 22 testified earlier that when there's -- someone is told 23 that they have failed a polygraph examination, that 24 would lead someone to experience levels of emotion and</p>
<p style="text-align: right;">Page 115</p> <p>1 A. I mean, anything is possible, but the 2 polygraph alone a contributing factor? No, not at all.</p> <p>3 Q. Do you think the combination of the polygraph, 4 the hour and 45 minutes of conversation you and 5 Mr. Newey had with Mr. Amor, and the totality of the 6 circumstances surrounding the polygraph examination may 7 have been one of the contributing factors to Mr. Amor's 8 false confession?</p> <p>9 A. What I can say is what we did in our office 10 with Mr. Amor, the pretest interview, the polygraph 11 test, the post-test interviews, we followed all 12 procedures. We did what we were trained to do. When 13 Mr. Amor left our office, he was still denying any 14 involvement. He said he didn't know who set the fire, 15 he had no knowledge, he had no involvement. Now, what 16 happened once he left our office, what was said and what 17 was done, I don't know because I wasn't there so I 18 really can't answer that question. All I can say is 19 when he left our office, he still said I know nothing 20 about this. And so, you know, the polygraph test, the 21 stress as to what occurred in our office did not cause 22 him to confess to us. So, again, what was said and what 23 was done once they arrived back at Naperville, I don't 24 know so I can't answer your question. All I can say is</p>	<p style="text-align: right;">Page 117</p> <p>1 levels of stress, correct?</p> <p>2 A. Yes.</p> <p>3 Q. And so knowing that, having that testimony and 4 knowing the circumstances surrounding his polygraph 5 examination, you know, including the lack of sleep, 6 including the lack of adequate food, being told that he 7 had failed a polygraph examination which was asking him 8 questions about whether or not he had something to do 9 with the death of his mother-in-law, would it be fair to 10 say that at least some part of the polygraph examination 11 was a contributing factor to Mr. Amor's confession which 12 occurred after he left the Reid & Associate offices?</p> <p>13 MR. PASQUALINO: I'm going to object, asked and 14 answered.</p> <p>15 Go ahead.</p> <p>16 BY THE WITNESS:</p> <p>17 A. Again, I can't say that the polygraph test was 18 a contributing factor to his confession. I can't say 19 that because, again, you have to take into account the 20 totality of the circumstances. And what was said and 21 what was done once they left our office, I don't know. 22 You know, you can't just -- I can't just say, well, this 23 particular thing alone with this, this, and this could 24 be a contributing factor. As I said earlier, anything</p>

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<p style="text-align: right;">Page 118</p> <p>1 is possible. But what was said and what was done once 2 they left also is very important to take into 3 consideration. And I don't know what was said and what 4 was done after they left and neither does Mr. Newey 5 because he wasn't there either.</p> <p>6 Q. So you don't believe that the stress of being 7 told that he failed the polygraph examination could have 8 caused him to give a false confession?</p> <p>9 A. That by itself? I would -- I strongly would 10 disagree with that. That one thing alone, I would 11 strongly disagree with. Just because you're told you 12 failed, so what? Polygraphs are not admissible in 13 court. You can't use a polygraph -- Everybody knows 14 that and -- I mean, everybody knows polygraphs are 15 inadmissible. And so you failed a polygraph. Okay. So 16 what? So I would be hard-pressed to say just because 17 someone is told they failed a polygraph is going to 18 cause him to confess to something they did not do. 19 There's got to be other factors taken into 20 consideration.</p> <p>21 Q. And may some of those factors be lack of 22 sleep, having spent two weeks in jail, not having 23 anything to eat that day, being told that the polygraph 24 said that they had something to do with the death of</p>	<p>1 reserve.</p> <p>2 MS. GARCIA: Okay.</p> <p>3 THE COURT REPORTER: Okay. Will counsels state 4 their orders on the record for both depositions?</p> <p>5 (Brief pause.)</p> <p>6 THE COURT REPORTER: If you'd like to --</p> <p>7 MS. GARCIA: I'm not going to order Mr. Amor's, but 8 we will order Mr. Masokas's.</p> <p>9 THE COURT REPORTER: Okay.</p> <p>10 MS. GARCIA: I'm saying that right, right, Mike?</p> <p>11 THE WITNESS: Yes.</p> <p>12 MS. GARCIA: Masokas?</p> <p>13 THE WITNESS: Yes. Yes.</p> <p>14 MS. GARCIA: Okay.</p> <p>15 THE COURT REPORTER: Okay.</p> <p>16 THE WITNESS: You got it right.</p> <p>17 MS. GARCIA: Okay.</p> <p>18 MR. PASQUALINO: We'll order Amor's and a copy of 19 Masokas.</p> <p>20 THE COURT REPORTER: Okay. Thank you. We're off 21 the record at 5:48 p.m.</p> <p>22 (Witness excused.)</p> <p>23</p> <p>24</p>
<p style="text-align: right;">Page 119</p> <p>1 their mother-in-law?</p> <p>2 A. Based on Mr. Amor's state of mind the last 3 time I saw him, I would say no. He's telling me he had 4 nothing to do with it. He said I didn't do it. I don't 5 know anything about it. And so, again, I'm not in a 6 position to say, well, you know, this could have 7 happened or that could have happened because I wasn't 8 there. Plain and simple, I wasn't. I don't know what 9 was said as far as contributing factors. I said it 10 before. I'll say it again. Anything is possible. But 11 to be specific and make those statements? I can't.</p> <p>12 Q. Okay. I'm going to move on to just a couple 13 more questions.</p> <p>14 After you left the office on October 3rd, 15 1995, did you have contact with Mr. Amor?</p> <p>16 A. No.</p> <p>17 Q. Have you had contact with him since?</p> <p>18 A. No.</p> <p>19 Q. Okay. And has anything that we've talked 20 about today cause you to remember anything about the 21 investigation that you haven't otherwise testified to?</p> <p>22 A. No.</p> <p>23 MS. GARCIA: Okay. I have no further questions.</p> <p>24 MR. PASQUALINO: All right. Signature, we will</p>	<p style="text-align: right;">Page 121</p> <p>1 IN THE UNITED STATES DISTRICT COURT 2 NORTHERN DISTRICT OF ILLINOIS 3 EASTERN DIVISION</p> <p>4 WILLIAM AMOR,) 5 Plaintiff,) 6 vs.) No. 20-cv-01444 7 JOHN REID & ASSOCIATES, et al.,) 8 Defendants.)</p> <p>9</p> <p>10 I, MICHAEL MASOKAS, state that I have read the 11 foregoing transcript of the testimony given by me at my 12 deposition on the 25th day of August, 2022, and that 13 said transcript constitutes a true and correct record of 14 the testimony given by me at said deposition except as I 15 have so indicated on the errata sheets provided herein.</p> <p>16</p> <p>17</p> <p>18 MICHAEL MASOKAS</p> <p>19 SUBSCRIBED AND SWORN to 20 before me this _____ day 21 of _____, 2022.</p> <p>22</p> <p>23 NOTARY PUBLIC</p> <p>24</p>

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1	UNITED STATES OF AMERICA)		
	NORTHERN DISTRICT OF ILLINOIS)		
2	EASTERN DIVISION) SS.		
	STATE OF ILLINOIS)		
3	COUNTY OF COOK)		
4			
5	I, Christina J. Atto, Certified Shorthand		
6	Reporter and Notary Public, do hereby certify that		
7	MICHAEL MASOKAS was first duly sworn by me to testify to		
8	the whole truth and that the above videoconference		
9	deposition was reported stenographically by me and		
10	reduced to typewriting under my personal direction.		
11	I further certify that the said		
12	videoconference deposition was taken at the time and		
13	place specified and that the taking of said		
14	videoconference deposition commenced on the 25th day of		
15	August, A.D., 2022, at 2:31 p.m.		
16	I further certify that I am not a relative or		
17	employee or attorney or counsel of any of the parties,		
18	nor a relative or employee of such attorney or counsel,		
19	nor financially interested directly or indirectly in		
20	this action.		
21			
22			
23			
24			
			SIGNATURE OF DEPONENT
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1	In witness whereof, I have hereunto set my		
2	hand and affixed my seal of office at Chicago, Illinois,		
3	this 7th day of September, A.D., 2022.		
4			
5			
6			
7			
8			
9	<u>Christina Atto</u>		
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	Chicago, Illinois 60601		
12	Phone: (312) 236-6936		
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	CSR No. 084-004321		
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